

GAHC010096202024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2563/2024

SUBHADRA THAKURIA AND 3 ORS
W/O- LATE SANTARAM THAKURIA @ SANTA THAKURIA,
RESIDENT OF VILLAGE- BHOGPUR,
P.O. AND P.S.- KHETRI,
DIST.- KAMRUP(M) (ASSAM)
PIN- 782403.

2: ANAMIKA THAKURIA
D/O- LATE SANTARAM THAKURIA @ SANTA THAKURIA

RESIDENT OF VILLAGE- BHOGPUR

P.O. AND P.S.- KHETRI

DIST.- KAMRUP(M) (ASSAM)
PIN- 782403.

3: RIJU THAKURIA SARKAR
LATE SANTARAM THAKURIA @ SANTA THAKURIA

RESIDENT OF VILLAGE- BHOGPUR

P.O. AND P.S.- KHETRI

DIST.- KAMRUP(M) (ASSAM)
PIN- 782403.

4: BORNALI THAKURIA
D/O-LATE SANTARAM THAKURIA @ SANTA THAKURIA

RESIDENT OF VILLAGE- BHOGPUR

P.O. AND P.S.- KHETRI

DIST.- KAMRUP(M) (ASSAM)
PIN- 782403

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
KAMRUP METRO
HENGRABARI
GUWAHATI-36.

3:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
KAMRUP METRO
GUWAHATI- 782402.

4:MOHAN THAKURIA
S/O- LATE NABIN THAKURIA

RESIDENT OF VILLAGE- DEULGURI
BHOGPUR

P.O.- KHETRI
P.S.- KHETRI

DIST.- KAMRUP(METRO)
ASSAM

PIN- 78240.

5:KAMALESWAR THAKURIA
S/O- LATE NABIN THAKURIA

RESIDENT OF VILLAGE- DEULGURI
BHOGPUR

P.O.- KHETRI
P.S.- KHETRI

DIST.- KAMRUP(METRO)
ASSAM

PIN- 78240

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 17-05-2024

- 1.** Heard Mr. B. Islam, learned counsel for the petitioners; Mr. A. Bhattacharjee, learned counsel for Revenue & Disaster Management for respondent no. 1 and Mr. M. Goswami, learned counsel for respondent nos. 2 and 3.
- 2.** The petitioners have claimed that they are owners of two parcels of land measuring 2 Bighas 4 Kathas 10 Lechas covered by Dag no. 102, and 2 Bighas 2 Kathas 19 Lechas, covered by Dag no. 103, in Revenue Village - Bhogpur Gaon Kisamat, Sonapur Revenue Circle, District -Kamrup [Metro], Assam.
- 3.** It is a further case of the petitioners that they have submitted a Representation before the District Commissioner, Kamrup [M] on 21.03.2024 seeking demarcation of the boundaries of afore-mentioned parcels of land. As the said Representation has not been paid heed to, the petitioners have approached this Court by the present writ petition.
- 4.** Both Mr. Bhattacharjee and Mr. Goswami have submitted, in unison, that the District Commissioner / District Collector is not the proper authority to extend the service of demarcation. It is the jurisdictional Circle Officer i.e. the Circle Officer, Sonapur Revenue Circle before whom an application for demarcation is to be made. Since the petitioners have not submitted the application for demarcation before the appropriate authority, the prayer made in this writ petition in the form of a direction to the District Commissioner, Kamrup (M) to dispose of the representation does not appear proper.
- 5.** At this stage, Mr. Islam, learned counsel for the petitioners has submitted that the petitioners will approach the jurisdictional Circle Officer with an application for demarcation in

standard application format along with all the supporting documents.

6. In view of the above facts and circumstances and the submission made by the learned counsel for the petitioner, this writ petition is closed reserving a liberty to the petitioners to approach the jurisdictional Circle Officer by way of a standard application form along with all the supporting documents seeking demarcation of the parcels of land, stated to be owned and possessed by them.

JUDGE

Comparing Assistant