

GAHC010288092019



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

Case No. : WP(C)/3026/2019

ABDUL KALAM SHEKH
S/O LT. AMIR ALI SHEKH
VILL. CHANDIPUR PATR- III
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN-788150
VERSUS

THE STATE OF ASSAM AND 9 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
LAND AND REVENUE DEPTT. ASSAM
DISPUR
GUWAHATI-6

2:THE DIRECTOR
LAND RECORDS AND REVENUE DEPTT. ASSAM
RUPNAGAR
GUWAHATI-17

3:THE DEPUTY COMMISSIONER
HAILAKANDI
P.O. P.S.AND DIST.-HAILAKANDI
ASSAM
PIN-788163

4:THE SETTLEMENT OFFICER
CACHAR AND HAILAKANDI DISTRICTS
P.O. AND P.S. SILCHAR
DIST.-CACHAR
ASSAM
PIN-788001

5:THE SENIOR ASSISTANT SETTLEMENT OFFICER HAILAKANDI
P.O. P.S. AND DIST. HAILAKANDI
ASSAM

PIN-788163
6:THE ASSISTANT SETTLEMENT OFFICER
ALGAPUR CIRCLE
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM
PIN-788150
7:RUTH LIENTHANG
THE THEN IN CHARGE ASSISTANT SETTLEMENT OFFICER
ALGAPUR
PRESENTLY POSTED AS ADDITIONAL DEPUTY COMMISSIONER
KARIMGANJ
P.O. PS AND DIST. KARIMGANJ
PIN-788710
8:DILIP KUMAR DAS
THE THEN RECORD KEEPER
ALGAPUR REVENUE CIRCLE
PRESENTLY POSTED AT LALA REVENUE CIRCLE
P.O. LALA
DIST.-HAILAKANDI
ASSAM
PIN-788164
9:DIPAK DAS
REVENUE SHERISTADAR
O/O THE DEPUTY COMMISSIONER
HAILAKANDI
P.O P.S AND DIST. HAILAKANDI
PIN-788163
10:SAFIQUE AHMED BARBHUIYA @ SHOFIQUE AHMED
PATWARI
UNDER ALAGAPUR CIRCLE P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST.-HAILAKANDI
ASSAM
PIN-788150

For the Petitioner(s) : Mr. A.M.S. Mazumder, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. GA
: Mr. J. Laskar, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 07.02.2024

1. The instant writ petition has been filed by the Petitioner seeking a direction that the Minutes of the Meeting held on 07.02.2019 whereby it was decided to reconstruct the 2nd R.S. Chitha and Jamabandi of Mouza Chandipur Grant under Algapur Revenue Circle of Hailakandi District be set aside and quashed and for a direction upon the Respondent No.3 to take appropriate steps on the representation dated 22.02.2019.

2. This Court has duly perused the materials on record and from the said documents, it does not show as to how the Petitioner in any way is connected with the 2nd R.S. Chitha in question. This Court has also taken note of that the Petitioner has filed a complaint before the Court of the Chief Judicial Magistrate, Hailakandi which was registered and numbered as CR No.452c/2018. In the said proceedings, the allegations made therein relate to certain interpolation made in the original draft chitha of 2nd R.S. Chitha. Pursuant to the said complaint case which was filed, the Judicial Magistrate First Class had issued process vide an order dated 16.08.2018. It is therefore the case of the Petitioner that if the Respondent Authorities are directed to carry out the reconstruction of the 2nd R.S. Chitha and Jamabandi of Mouza Chandipur Grant, it would destroy the evidence in respect to the said criminal proceedings. This Court however finds it very pertinent to take note of that the said criminal proceedings however has been quashed by the learned Sessions Judge, Hailakandi in Criminal Revision No.46/2018 vide an order dated 02.05.2019. Therefore, as on date, there exist no criminal proceedings.

3. This Court cannot also be unmindful of the fact that the Petitioner herein has challenged the said order dated 02.05.2019 passed in Criminal Revision No.46/2018 before this Court which have been registered and numbered as Criminal Petition No.315/2019 and the said proceedings are presently pending as submitted by the learned counsels for the parties.

4. Taking into account that the question as regards the interpolation so made in the draft chitha of the 2nd R.S. Chitha is pending before this Court in Criminal Petition No.315/2019, it is the opinion of this Court that the said documents which exist as on date in respect to the 2nd R.S. Chitha and Jamabandi of Mouza Chandipur Grant be retained. It is also the opinion of this Court that to reconstruct the 2nd R.S. Chitha and Jamabandi is absolutely within the jurisdiction of the authorities concerned taking into account the administrative exigencies.

5. Accordingly, the instant writ petition stands disposed of with the following observations and directions:

(i) The existing records in respect of 2nd R.S. Chitha and Jamabandi of Mouza Chandipur Grant which was seized on 04.11.2018 from the residence of Md. Kaji Abdul Hakim, patawari (retired) be retained.

(ii) The Respondent Authorities would be at liberty to carry out the reconstruction of the 2nd R.S. Chitha and Jamabandi of Mouza Chandipur Grant seized on 04.11.2018 from the residence of Md. Kaji Abdul Hakim, patawari (retired) as per the provisions of law but while doing so, the existing records be destroyed.

JUDGE

Comparing Assistant