

GAHC010119472023



2024:GAU-AS:12968

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

Case No. : WP(C)/3240/2023

ZAHARUL ISLAM BORBHUIYA AND 2 ORS
S/O- KAMRUL ISLAM BORBHUYAN,
A RESIDENT OF DISPUR LAW COLLEGE ROAD,
P.O AND P.S- DISPUR, DIST- KAMRUP (M), ASSAM

2: BAHARUL ISLAM BORBHUYAN
S/O- KAMRUL ISLAM BORBHUYAN

A RESIDENT OF DISPUR LAW COLLEGE ROAD

P.O AND P.S- DISPUR
DIST- KAMRUP (M)
ASSAM

3: FAKRUL ISLAM BORBHUYAN
S/O- KAMRUL ISLAM BORBHUYAN

A RESIDENT OF DISPUR LAW COLLEGE ROAD

P.O AND P.S- DISPUR
DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWHATI-06

2:THE DEPUTY COMMISSIONER

GUWAHATI
KAMRUP(M)

ASSAM

3:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE
KAMRUP(M)
GUWAHATI
ASSA

For the Petitioner(s) : Mr. A.R. Bhuyan, Advocate

For the Respondent(s) : Mr. A. Bhattacharjee, Standing Counsel
Ms. S. Baruah, Govt. Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 18.12.2024

Heard Mr. A.R. Bhuyan, the learned counsel appearing on behalf of the petitioners. Mr. A. Bhattacharjee, the learned Standing Counsel appears on behalf of the respondent No. 1 and Ms. S. Baruah, the learned Government Advocate appears on behalf of the District Administration.

2. The instant writ petition has been filed by the petitioners challenging the order dated 19.05.2023 issued by the Joint Secretary to the Government of Assam, Revenue and Disaster Management Department as well as the order dated 19.05.2023 passed by the Deputy Commissioner, Kamrup (M) whereby the settlement so made in favour of the father of the petitioners was cancelled.

3. From the materials on record, it appears that the father of the petitioners is very much alive and there is no materials on record to show

that the father after the settlement have transferred his title in respect to the land to the petitioners.

4. During the course of the hearing Mr. A.R. Bhuyan, the learned counsel appearing on behalf of the petitioners submitted that the petitioners would be well advised to withdraw the instant writ petition without effecting the rights of the father of the petitioners to assail the impugned orders.

5. Taking into account the above, the instant writ petition stands closed on withdrawal.

6. However, liberty is given to the father of the petitioners to assail the impugned orders, if so advised.

7. Interim order passed if any, stands vacated.

JUDGE

Comparing Assistant