

GAHC010124562024



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

Case No. : WP(C)/3203/2024

KOLIA GUSWAI THAN SAMITI AND 2 ORS
REPRESENTED BY ITS PRESIDENT,
NAMELY UMARAM BORDOLOI,
GERUA CHARIALI,
P.O.- GERUAGAON,
P.S.- BHURAGAON,
DIST.- MORIGAON, ASSAM,
PIN- 782121.

2: UMARAM BORDOLOI
PRESIDENT

S/O- LT. LAYRAM BORDOLOI

R/O- VILL- JAMADARI

P.O.- GERUAGAON

P.S.- BHURAGAON

DIST.- MORIGAON
ASSAM

PIN- 782121.

3: MADHAB CHANDRA SAIKIA
CHIEF SECRETARY OF KOLIA GOSWAI THAN

S/O- LT. GANGADHAR SAIKIA

R/O- VILL- NIZ- GERUA

P.O.- GERUAGAON

P.S.- BHURAGAON

DIST.- MORIGAON
ASSAM

PIN- 782121

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI, ASSAM, PIN- 781006.

2:THE DIRECTOR OF PANCHAYAT AND RURAL DEVELOPMENT
PANJABARI
GUWAHATI
ASSAM

PIN- 781037.

3:THE LAHORIGHAT ANCHALIK PANCHAYAT
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER CUM CURRENT
SECRETARY OF LAHORIGHAT ANCHALIK PANCHAYAT

P.O. AND P.S.- LAHORIGHAT

DIST.- MORIGAON
ASSAM

PIN- 782121.

4:THE CHIEF EXECUTIVE OFFICER
MORIGAON ZILA PARISHAD
AND AUTHORIZED OFFICER OF LAHORIGHAT ANCHALIK PANCHAYAT

P.O. AND P.S.- MORIGAON

DIST.- MORIGAON
ASSAM

PIN- 782105.

5:THE CIRCLE OFFICER
BHURAGAON REVENUE CIRCLE

DIST.- MORIGAON
ASSAM

PIN- 782121

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

20.06.2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioners, who submits that the petitioners have been running the Gerua Daily Bazaar since the year 1946 on the land of the Kolia Guswai Than covered by land measuring 3 Bigha under Dag No.137, Patta No.64.

2. The petitioners are aggrieved by the notice dated 29.05.2024, whereby a number of Bazar/Ghat/Min Mahal are to be settled by the Lahorighat Anchalik Panchayat, including the Gerua Daily Market.

3. The petitioners counsel submits that the respondent No.3 cannot settle the Gerua Daily Market, as it is standing on the land of the Than Committee.

4. Mr. S. Dutta, learned counsel for the P&RD submits that if the Gerua Daily Market is standing on private land, the respondent No.3 will have no authority to settle the market. However, a verification needs to be undertaken by the competent authority, to verify whether the market being run by the petitioners

is being run within the private land of the petitioners. He submits that the Circle Officer, Bhuragaon Revenue Circle may be directed to have a spot verification and make a report as to whether the Gerua Daily Market is being run on the land covered by Dag No.137, Patta No.64.

5. The petitioners counsel submits that he has got no objection to the Circle Officer conducting a spot verification and making a report on the same.

6. In view of the consent of the parties, the Circle Officer, Bhuragaon Revenue Circle is directed to cause a spot verification, to ascertain whether the Gerua Daily Market is being run on the 3 Bigha land covered by Dag No.137, Patta No.64 and submit a copy of the same to the respondent No.3, with a copy to be furnished to the petitioners also. The report should be made by the Circle Officer within a period of 15(fifteen) days from the date of receipt of a copy of this order. If the report is to the effect that the Gerua Daily Market which is being run on Dag No.137, Patta No.64 is in the petitioner's name, i.e., Kolia Guswai Than Samiti, the respondents shall not act upon the notice dated 29.05.2024, in so far as it relates to Gerua Daily Market. Till a decision is taken by the Circle Officer concerned, status quo shall be maintained on the Gerua Daily Market and the notice dated 29.05.2024 shall be kept in abeyance, in so far as it relates to Gerua Daily Market.

7. The writ petitioner shall serve a copy of this order to the concerned Circle Officer (respondent No.5) as well as the respondent No.3 within a period of 5(five) days from today.

8. Mr. S. Dutta, learned counsel shall communicate the order passed today to

the respondent No.3.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant