

GAHC010135072024



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

**Case No. : WP(C)/3652/2024**

SANTOSH THAKUR AND ANR  
S/O- LATE MUNILAL THAKUR, R/O- VILL.- PASCHIM JINJIYA, P.O. JINJIYA,  
DIST. SONITPUR, ASSAM

2: ASHOK THAKUR  
S/O- LATE MUNILAL THAKUR  
R/O- VILL.- PASCHIM JINJIYA  
P.O. JINJIYA  
DIST. SONITPUR  
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,  
GHY-06.

2: THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM  
REVENUE (S) DEPARTMENT  
DISPUR  
GUWAHATI.

3: THE DEPUTY COMMISSIONER

SONITPUR DISTRICT  
TEZPUR.

4: SMTI. KANMAI DAS  
W/O- LATE KASHINATH DAS  
P.O. AND VILL.- JINJIYA  
DIST. SONIPUR  
ASSA

For the Petitioner(s) : Ms. F. Intaz, Advocate  
For the Respondent(s) : Mr. A. Bhattacharjee, SC, Revenue

Linked Case : WP(C)/1248/2024

SMTI. KANMAI DAS  
W/O LATE KASHINATH DAS  
R/O MORAN  
VILL AND P.O.-JINJIYA  
DIST-SONITPUR  
ASSAM  
PIN-784184

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM  
DISPUR  
GUWAHATI-06

2:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM  
LAND AND REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-06

3:THE JT. SECY. TO THE GOVT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT (SETTLEMENT) DEPTT.  
DISPUR  
GUWAHATI-06

4:THE CIRCLE OFFICER  
BISWANTH REVENUE CIRCLE  
OFFICE OF THE CIRCLE OFFICE  
BISWANATH REVENUE CIRCLE  
BISWANATH CHARIALI  
DIST-SONITPUR  
PIN-784176

5:SANTOSH THAKUR  
S/O LATE MUNNILAL THAKUR  
R/O JINJIYA  
P.O./P.S.-JINJIYA  
DIST-SONITPUR

ASSAM  
PIN-784001

6:ASHOK THAKUR  
S/O LATE MUNNILAL THAKUR  
R/O JINJIYA  
P.O./P.S.-JINJIYA  
DIST-SONITPUR  
ASSAM  
PIN-784001  
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For the Petitioner(s) : Mr. A. Narzary, Advocate  
For the Respondent(s) : Mr. A. Bhattacharjee, SC, Revenue

Date of Hearing : **06.08.2024**  
Date of Judgment : **06.08.2024**

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**JUDGMENT AND ORDER (ORAL)**

Heard Mr. A. Narzary, the learned counsel appearing on behalf of the Petitioner in WP(C) No.1248/2024 and Ms. F. Intaz, the learned counsel appearing on behalf of the writ petitioner in WP(C) No.3652/2024. I have also heard Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department of the Government of Assam and Ms. S. Sharma, the learned Government Advocate appearing on behalf of the District Commissioner, Sonitpur at Tezpur.

2. In both the writ petitions, the Petitioner in the respective writ petitions are aggrieved by the inaction on the part of the Principal Secretary to the Government of Assam, Revenue and Disaster Management Department in sitting over a representation so submitted by the writ petitioner in WP(C) No.1248/2024 for the last 17 years. It is seen from the materials on record

that the Petitioner in WP(C) No.1248/2024 had filed a writ petition before this Court which was registered and numbered as WP(C) No.4142/2002. In the said writ petition, the Petitioner therein sought for settlement of land measuring an area of 1 Bigha 19 Lechas covered by Periodic Kheraj Patta No.220 under Baghmara Mouza, Village West Jingiya in the District of Sonitpur. In addition to that, the Petitioner therein also sought for that the land be made free from encroachment of the Respondent No.4 therein who is the Petitioner in WP(C) No.3652/2024. In the interim, the Petitioner therein also sought for a direction that the Respondent No.4 therein should be restrained from further construction of house in the land in question.

3. On 23.07.2002 in WP(C) No.4142/2002, the Coordinate Bench of this Court issued Rule and restrained the Respondent No.4 therein who is the writ petitioner in WP(C) No.3652/2024 from making further construction in the land till the disposal of the writ petition. The Respondent No.4 therein filed an application seeking vacation of the said order dated 23.07.2002. Be that as it may, this Court vide an order dated on 11.09.2006 closed the writ petition being WP(C) No.4142/2002 directing the petitioner therein to submit a detailed representation before the Secretary to the Government of Assam, Revenue Department highlighting all the respective grievances narrated in the writ petition as well as in the misc. Application No.1735/02 within a period of 30 days from the date of the said order and on receipt of the said representation, the concerned competent authority was directed to dispose of the same after hearing all interested parties including both the petitioner of the two writ petitions herein in accordance with law within a period of two months from the date of receipt of the representation. It was further directed that till the disposal of the representation, the interim order

whereby the petitioner in WP(C) No.4142/2002 was directed to continue.

4. The records further reveals that a representation was duly submitted on 12.04.2007 to the Secretary to the Government of Assam, Revenue Department. Thereupon, there was certain hearings being conducted by the said officials and a period of almost 17 years have passed by, however till date, no order has been passed disposing of the said representation.

5. The Petitioner in WP(C) No.1248/2024 had in the meantime submitted various reminders for disposal of the said representation which has fell into the deaf ears of the Respondent No.1. In a similar manner, the Petitioner in WP(C) No.3652/2024 had also submitted representation taking into account the difficulty faced by the said petitioner in view of the interim order still continuing for the last 17 years. Compelled by the inaction on the part of the Respondent No.1 and the deliberate inaction to take note of the timeline so stipulated in the order dated 11.09.2006, both the Petitioner in their respective writ Petitions have approached this court for a direction upon the Respondent No.1 to dispose of the representation dated 12.04.2007.

6. It is seen that in WPC No.1248/2024 notice was issued on 15.03.2024 and in WP(C) No.3652/2024, notice was issued on the 26.07.2024. In spite of the notice issued in WP(C) No.1248/2024, the Respondent No.1, i.e. the Secretary to the Government of Assam Revenue Department still have not taken any steps for disposal of the said representation. On 26.07.2024, this Court directed the learned Standing counsel appearing on behalf of the Revenue Department to apprise this Court as to why it has taken more than 17 years for disposal of a representation that too, when there was a specific order passed to dispose of the said representation within a time frame of

two months from the date of submission of the representation.

7. Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department submitted that some report have been sought from the District Commissioner, Sonitpur as to how the land which belongs to the Tezpur Municipal Board could have been allotted to either of the parties. This Court however is shocked and surprised taking into consideration for such a simple report which have been sought for, 17 years have elapsed. Under such circumstances, this Court directs the Principal Secretary to the Government of Assam Revenue and Disaster Management Department to dispose of the representation dated 12.04.2007 within a period of 1 (one) month from the date of the instant order. In addition to that, this Court directs the Principal Secretary to the Government of Assam to file an affidavit of compliance to the instant order stating as regards the disposal of the said representation.

8. The registry shall provide a certified copy of the instant order to Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department for forwarding the same to the Principal Secretary to the Government of Assam, Revenue Department for effectful compliance.

9. With above observations and directions, both the writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**