

GAHC010159812024



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

Case No. : WP(C)/4064/2024

JOHIRUL ISLAM
S/O LATE KOBAD ALI,
VILLAGE- SUAPATA PART-III,
P.O.- SUAPATA,
P.S.- BILASIPARA,
DISTRICT- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
TRANSPORT DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION
ULUBARI
GUWAHATI- 781007.

3:THE ASSISTANT EXECUTIVE ENGINEER
IWT SUB-DIVISION
DHUBRI
P.O. AND DISTRICT- DHUBRI
ASSAM

PIN- 783301.

4:THE SECTIONAL OFFICER

SUAPATA PART-III FERRY SERVICE

IWT SUB-DIVISION
DHUBRI

P.O. AND DISTRICT- DHUBRI
ASSAM

PIN- 783301.

5:THE OFFICER IN-CHARGE
BILASIPARA POLICE STATION
P.O.- BILASIPARA

DISTRICT- DHUBRI
ASSAM

PIN- 783348.

6:ABDUL MATLEB
S/O- ZAHER ALI
VILLAGE- CHOLAKURA PART-I

P.O. AND P.S.- SUNARI

DISTRICT- GOALPARA
ASSAM.
PIN- 783129

Advocate for the Petitioner : MR. D A KAIYUM, MR. M S MONDAL,MR. S H RAHMAN

Advocate for the Respondent : SC, IWT, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

12.08.2024

Heard Mr. D.A. Kaiyum, learned counsel for the petitioner, who submits that despite the order dated 13.03.2024 passed in WP(C) 823/2024, the State respondents have settled the Suapata Part III Ferry service with the respondent No.6 over the petitioner's private land measuring 6 Bighas 1 Katha 15 Lechas under Kheraj Myadi Pattta No.193 Dag No.278, located at Village Suapata Part III under Bilasapara Revenue Circle, Dhubri district and the petitioner's uncle

Mohammad Ali's land measuring 1 Bigha 4 Katha 13 Lechas covered by Kheraj Myadi Patta No. 152, Dag No.317 located at Village Suapata Part III under Bilasapara Revenue Circle, Dhubri district.

2. Ms. M.D. Bora, learned counsel for the Transport Department has submitted letter No.FC/222/Pt-XVII/2022-24-/6128 dated 09.08.2024, which states that the original point of embarkation and disembarkation of Suapata Part III has been shifted to a different location in pursuance to the order dated 13.03.2024 passed in WP(C) 823/2024. The said letter dated 09.08.2024 is made a part of the record and marked as Annexure 'X'.

3. The counsel for the Transport Department further submits that in terms of the representation dated 02.07.2024 issued by the petitioner to the District Commissioner, Dhubri, there is a mention of only one land measuring 6 Bighas 1 Katha 15 Lechas covered by KP Patta No. 193, Dag No.278 in Village Suapata Part III, Bilasapara Revenue Circle, Dhubri district. She submits that the letter dated 02.07.2024 further states that "*aforesaid plot of land had been eroded in the River Gaurang about 15 years ago. Thereafter, we established a private ghat in the name of '**Suapata Part III Ghat**' over the said private land and have been running the same.*"

4. I have heard the learned counsels for the parties.

5. Whatever may be the issue that is sought to be raised, the fact remains that the order passed in WP(C) 823/2024 has been complied with, as can be seen in the letter dated 09.08.2024 issued by the respondent No.2.

6. The petitioner's counsel having submitted that due to the letter dated

09.08.2024, he does not wish to press the present writ petition, the present writ petition stands closed as not pressed. It is needless to add that if the petitioner is running a private ghat, the respondent authorities should not disturb the petitioner, provided that the ghat is not a public ghat and same is not in violation of any law or rule. The fact as to whether the private land claimed by the petitioner is public land or private land, i.e., Patta No.193, Dag No.278, should be decided by the respondent No.2 along with the concerned Circle Officer, after informing the petitioner that he may be allowed to participate in the verification process. Subsequent to the spot verification being made, the petitioner may be allowed to run the ghat, if it is a private ghat, as per rules.

7. This Court is of the view that the petitioner cannot claim any relief/direction in respect of the land allegedly owned and possessed by the petitioner's uncle Mohammad Ali, inasmuch as, the said person is not a party in this writ petition. Further, the alleged land of the petitioner's uncle was never an issue in the earlier round of litigation, i.e., WP(C) 823/2024. Further, there is nothing to show in the writ petition that the petitioner's uncle Mohammad Ali has authorized the petitioner to make any claim with regard to his alleged land covered by Kheraj Myadi Patta No. 152, Dag No.317 located at Village Suapata Part III under Bilasapara Revenue Circle, Dhubri district.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant