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

Case No. : WP(C)/4861/2023

MALEKA BIBI AND ANR
W/O- NUR MAHAMMAD,
D/O- LT. JOYNAL ABDIN,
R/O- VILL- FAKIRANIRJHAR, PT-II,
P.O.- BARKANDA,
P.S.- BILASIPARA,
DIST.- DHUBRI (ASSAM),
PIN- 783348.

2: NUR MAHAMMAD
S/O- LT. ABED ALI

R/O- VILL- FAKIRANIRJHAR
PT-II

P.O.- BARKANDA

P.S.- BILASIPARA

DIST.- DHUBRI
(ASSAM)

PIN- 783348

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM,
DISPUR, GHY-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT ASSAM
DISPUR

GHY-06.

3:THE DEPUTY COMMISSIONER
DHUBRI
DIST.- DHUBRI
PIN- 783301.

4:THE ADDITIONAL DEPUTY COMMISSIONER
DHUBRI
P.O. AND P.S.- DHUBRI

DIST. DHUBRI
ASSAM

PIN- 783301.

5:THE SETTLEMENT OFFICER
DHUBRI
DIST.- DHUBRI
PIN- 783301.

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
DIST- DHUBRI
ASSAM

PIN- 783348

For the Petitioner(s) : Mr. M.U. Mondal, Advocate

For the Respondent(s) : Mr. N. Goswami, Govt. Advocate
Ms. N. Bordoloi, SC, Revenue

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.11.2024

Mr. M.U. Mondal, the learned counsel appearing on behalf of the petitioners submitted that from the affidavit-in-opposition filed by the Circle Officer, Bilasipara Revenue Circle, it categorically appears that out of 2 Bighas 2 Kathas

and 12 Lechas of land covered by Dag No. 421(New)/ 154 (Old) and included in Patta No. 233 of Revenue Village Fakiranirjhar Part-II, under Bilasipara Revenue Circle, the petitioners herein are in possession of 1 Bigha of land. This aspect of the matter has been duly admitted by the Circle Officer, Bilasipara Revenue Circle in the instant proceedings.

2. In addition to that, Mr. M.U. Mondal, the learned counsel submitted that the petitioners are in possession of the said land for the last 80 (Eighty) years and as such by right of adverse possession, the petitioners have title over of the said land.

3. This Court taking into account the said submission enquired with Mr. M.U. Mondal, the learned counsel appearing on behalf of the petitioners as to whether the proceedings before this Court can be the appropriate proceedings for deciding as to whether the petitioners have adverse possession over the said land and thereby make a declaration of title in favour of the petitioners.

4. Mr. M.U. Mondal, the learned counsel appearing on behalf of the petitioners submitted that the petitioners would be well advised to approach the appropriate Civil Court seeking right, title and interest on the basis of various materials including the affidavit filed by the Circle Officer, Bilasipara Revenue Circle. He therefore, submitted that the petitioners would like to withdraw the instant writ petition and file a suit before the Competent Court of civil jurisdiction seeking appropriate declaration of right, title, and interest as well as for confirmation of possession.

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

6. It is however observed that the withdrawal of the instant writ petition

would not prejudice the petitioners in any suit filed by the petitioners seeking declaration of right title and interest along with confirmation of possession.

JUDGE

Comparing Assistant