

GAHC010179862024



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

Case No. : WP(C)/4466/2024

NITESH BERIA
SON OF SRI NIRMAL KUMAR BERIA, RESIDENT OF HANUMAN BHAWAN,
AT ROAD, DIBRUGARH WEST, DISTRICT- DIBRUGARH, ASSAM, PIN-
786001

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT (S)
DEPARTMENT, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT
DEPARTMENT
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT (S AND S) DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DISTRICT/ DEPUTY COMMISSIONER
DIBRUGARH
ASSAM

5:THE ADDITIONAL DISTRICT COMMISSIONER (REV)
DIBRUGARH
ASSAM

6:THE CIRCLE OFFICER

DIBRUGARH WEST REVENUE CIRCLE
DISTRICT- DIBRUGARH
ASSAM

7:THE SUB-DIVISIONAL LAND ADVISORY COMMITTEE (SDLAC)
DIBRUGARH
HEADED BY THE DISTRICT COMMISSIONER
DIBRUGAR

For the Petitioner(s) : Mr. D. Chakrabarty, Advocate

For the Respondent(s) : Mr. D. Saikia, Advocate General
Mr. R. Barpujari, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03-10-2024

Heard Mr. D. Chakrabarty, the learned counsel appearing on behalf of the petitioner. I have also heard Mr. D. Saikia, the learned Advocate General assisted by Mr. R. Borpujari, the learned standing counsel appearing on behalf of the State of Assam.

2. Mr. D. Saikia, the learned Advocate General submitted that the State after making deliberations would like to withdraw the order dated 23.08.2024 which has been impugned in the instant proceedings. Mr. D. Saikia, the learned Advocate General however submitted that the withdrawal of the said order should not prejudice the State to take appropriate action as per law.

3. Taking into account that the order dated 23.08.2024 is being withdrawn and in that regard the statement has been made by Mr. D. Saikia, the learned Advocate General, nothing further survives in the

instant writ petition. Accordingly, the writ petition stands disposed of with the observation that the impugned order dated 23.08.2024 stands withdrawn and consequently would not effect the rights of the petitioner over his allotment/settlement.

4. This Court clarifies that the above observation as well as the withdrawal of the impugned order dated 23.08.2024 shall not affect the rights of the State to take such action as otherwise permissible under law.

JUDGE

Comparing Assistant