

GAHC010180062024



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

Case No. : WP(C)/5035/2024

URIREI SINGH
W/O- N GOBIN SINGH,
BEING THE PRINCIPAL CUM SECRETARY EMMANUEL ENGLISH H.S
SCHOOL, PAILAPOOL,
P.S- LAKHIPUR, CACHAR, ASSAM, PIN-788098

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-781006

2:THE DEPUTY COMMISSIONER

CACHAR
SILCHAR
ASSAM
PIN-788001

3:THE SETTLEMENT OFFICER

CACHAR AND HAILAKANDI DISTRICT
SILCHAR

ASSAM

4:THE ASSISTANT SETTLEMENT OFFICER

LAKHIPUR REVENUE CIRCLE
PAILAPOOL

DIST- CACHAR
ASSAM

5:MOIRANGTHEM DEB SINGH MEMORIAL ACADEMY

BINNAKANDI PART II
DIST CACHAR
ASSAM
PIN-788126

(FORMERLY KNOWN AS
EMMANUEL ENGLISH SCHOOL BINNAKANDI PART II
) REP. BY ITS HEADMASTER MANIDHON SINGHA
MAJOR (RETD)

6:THE SECRETARY
MOIRANGTHEM DEB SINGH MEMORIAL ACADEMY

BINNAKANDI PART II
DIST CACHAR
ASSAM
PIN-788126 (FORMERLY KNOWN AS EMMANUEL ENGLISH SCHOOL
BINNAKANDI PART II
)

7:PH. MANIDHON SINGHA
MAJOR (RETD)
S/O- LATE PH BALADEB SINGHA

R/O- VILLAGE LALANG PART I
PAILAPOOL

DIST- CACHAR
ASSAM
PIN-788098

8:PH. RUTH JOAN SINGHA
W/O- PH MANIDHON SINGHA
(MAJOR
RETD)
R/O- VILLAGE LALANG PART I
PAILAPOOL

DIST- CACHAR
ASSAM
PIN-78809

Advocate for the petitioner(s): Mr. A Chakraborty

Advocate for the respondent(s): Ms. G Hazarika

For Revenue Department

Ms. S Konwar

Government Advocate, Assam

Mr. D Chakraborty

For respondent No.7

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

03.10.2024

Heard Mr. A Chakraborty, the learned counsel appearing on behalf of the petitioner. Ms. G Hazarika, the learned counsel appears on behalf of respondent No.1, Ms. S Konwar, the learned counsel appears on behalf of the respondent Nos.2, 3 and 4 and Mr. D Chakraborty, the learned counsel appears on behalf of the respondent No.7.

2. The petitioner herein has challenged the order No.LCS.37/2023/268 dated 07.02.2024 assuming that the said is a mutation order. A perusal of the said document which is annexed as Annexure-A/11 at page 55 to the writ petition reveals that it is only a provisional land mutation information and by no stretch of imagination can the said document be said a mutation order.

3. The learned counsel for the petitioner, therefore, submits that he may be permitted to withdraw the instant writ petition with liberty to refile the same, if

there is any actual mutation order.

4. Taking into account the above, this Court closes the instant writ petition on withdrawal with the observation that the document enclosed as Annexure-A/11 to the writ petition is not a mutation order and it is merely a provisional land mutation information. Under such circumstances, there being a formal defect in the instant writ petition, the petitioner is permitted to withdraw the instant writ petition and liberty is given to the petitioner to challenge the mutation order, if any, subject to the same being permissible under the law.

JUDGE

Comparing Assistant