

GAHC010192472024



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

Case No. : WP(C)/4762/2024

BHAGABAN BHAGAT AND 9 ORS
S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA, KHERONI PO AND PS KHERONI, DIST
WEST KARBI ANGLONG, ASSAM 782480

2: SRI RAMAYAN BHAGAT
S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

3: SRI MUNNA BHAGAT
S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

4: SRI GANESH BHAGAT
S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

5: JITENDRA BHAGAT
S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

6: SATENDAR BHAGAT

S/O LATE PARAMANANDA BHAGAT
RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

7: SRI RAMAYAN CHOUHAN

S/O LATE PARAMA CHOUHAN

RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

8: SRI ADHESH CHOUHAN
S/O SRI RAMAYAN CHOUHAN

RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

9: SRI UMESH CHOUHAN
S/O SRI RAMAYAN CHOUHAN

RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 782480

10: SMTI RAJKUMARI CHOUHAN
W/O LATE RAJESH CHOUHAN

RESIDENT OF SARU MATIKHOLA
KHERONI PO AND PS KHERONI
DIST WEST KARBI ANGLONG
ASSAM 78248

VERSUS

THE ASSAM BOARD OF REVENUE AND 4 ORS
REP. BY ITS ADMINISTRATIVE OFFICER, PANBAZAR, GUWAHATI 781001

2: THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY THE PRINCIPAL SECY. DIPHU
PO AND PS DIPHU

DIST WEST KARBI ANGLONG
ASSAM 782460

3:THE DISTRICT COMMISSIONER
WEST KARBI ANGLONG AT HAMERN
DIST WEST KARBI ANGLONG
ASSAM 782486

4:THE ASSISTANT REVENUE OFFICER

DONKA REVENUE CIRCLE
AT DONKAMOKAM
PO AND PS DONKAMOKAM
DIST WEST KARBI ANGLONG ASSAM 782480

5:SARTHE PHANCHO
S/O SARBONG PHANCHO

VILLAGE AMPATHAR
PO AND PS KHERONI
DIST WEST KARBI ANGLONG ASSAM 78248

For the Petitioner(s) : Mr. M. A. Laskar, Advocate

For the Respondent(s) : Mr. J. Chutia, SC, KAAC

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 03.10.2024

Heard Mr. M. A. Laskar, the learned counsel appearing on behalf of the Petitioners and Mr. J. Chutia, the learned Standing counsel appearing on behalf of the KAAC as well as its officials.

2. The Petitioner Nos. 1 to 6 herein are the successor-in-interest of one Parmananda Bhagat (since deceased). The Petitioner Nos.7 to 10 belongs

to the same family of the Petitioner No.7. This is the second round of litigation before this Court. Earlier a communication was issued by the Joint Secretary, Revenue Department of the Karbi Anglong Autonomous Council dated 21.02.2011 whereby the ARO/ASO were directed to hand over the possession of the land in question to one Shri Sarthe Phangcho who is the Respondent No.5 in the instant proceedings also. On the basis of the said communication dated 21.02.2011, notices were issued by the Assistant Revenue Officer dated 21.07.2011 asking Late Parmananda Bhagat as well as the Petitioner No.7 to vacate the land in question. The said communication dated 21.02.2011 and the notice dated 21.07.2011 were subject matter of a challenge before this Court in WP(C) No.4014/2011.

3. Initially this Court vide an order dated 06.08.2011 directed the parties to maintain status quo. However, subsequently, vide the order dated 06.05.2013, the Petitioners of WP(C) No.4014/2011 were granted the liberty to file an appeal before the Executive Member of the Kabi Anglong Autonomous Council.

4. It is categorically mentioned in the writ petition that Late Parmananda Bhagat as well as the Petitioner No.7 filed appeals before the Executive Member of the Karbi Anglong Autonomous Council. However, the petition is completely silent that the said appeal was registered as Land Appeal Case No.1/2019 and was dismissed vide an order dated 22.07.2020. The said order dated 22.07.2020 was placed before this Court by Mr. J. Chutia, the learned Standing counsel for the Kabi Anglong Autonomous Council along with an instruction dated 21.09.2024. The same is kept on record and marked with the letter "X".

5. This Court has duly taken note of that the appeal which was filed by the predecessor-in-interest of the Petitioner Nos. 1 to 6 as well as by the Petitioner No.7 were dismissed by the Executive Member and directions were issued and eviction proceedings initiated under Section 5 of the Karbi Anglong (Transfer of Land) Act, 1959.

6. It is seen that in pursuance thereto, the impugned notices were issued. It has been submitted by Mr. J. Chutia, the learned Standing counsel appearing on behalf of the Karbi Anglong Autonomous Council that against the order of the Executive Member, an appeal lies before the Executive Committee of the Karbi Anglong Autonomous Council and the said aspect is also reflected in the order dated 06.05.2013 passed in WP(C) No.4014/2011.

7. This Court has heard the learned counsels appearing on behalf of the parties and it is the opinion of this Court that the impugned notices which have been issued are results of the dismissal of the appeal being Land Appeal Case No.1/2019 vide the order dated 22.07.2020. It is also seen that the said notices have been issued in accordance with the provisions of Section 5 of the Karbi Anglong (Transfer of Land) Act, 1959. Therefore, unless and until the order dated the 22.07.2020 passed in Land Appeal Case No.1/2019 is not interfered with, the impugned notices cannot be interfered with.

8. Under such circumstances, this Court is of the opinion that the instant writ petition lacks merits without a challenge to the order dated 22.07.2020 passed in Land Appeal Case No.1/2019 and as such the instant writ petition stands dismissed. However, this Court categorically observes that the dismissal of the instant writ petition shall not cause any

prejudice to the Petitioners to assail the order dated 22.07.2020 passed in Land Appeal Case No.1/2019 in accordance with law.

JUDGE

Comparing Assistant