

GAHC010193592020



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

**Case No. : WP(C)/104/2021**

AJOY KUMAR GHOSH AND 3 ORS  
S/O LATE MOHENDRA KUMAR GHOSH, R/O VILL. AND P.O. UDHARBOND,  
DIST. CACHAR, ASSAM, PIN 788030

2: SWAPAN KANTI NAG  
S/O LATE SURESH CHANDRA NAG  
R/O VILL. JAPIRBOND PART-II  
P.O. UDHARBOND  
DIST. CACHAR  
ASSAM  
PIN 788030

3: SHYAMAPADA ROY  
S/O LATE BONOBIHARI ROY  
R/O VILL. JAPIRBOND PART-II  
P.O. UDHARBOND  
DIST. CACHAR  
ASSAM  
PIN 788030

4: ARINDAM CHOUDHURY  
S/O LATE AMARENDRA CHOUDHURY  
R/O VILL. JAPIRBOND PART-II  
P.O. UDHARBOND  
DIST. CACHAR  
ASSAM  
PIN 78803

VERSUS

THE STATE OF ASSAM AND 2 ORS  
TO BE REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT.  
OF ASSAM, REVENUE DEPTT., DISPUR, GUWAHATI 6

2:THE DEPUTY COMMISSIONER

CACHAR  
P.O. AND P.S. SILCHAR  
DIST. CACHAR  
ASSAM.

3:THE ASSTT. SETTLEMENT OFFICER

SILCHAR SADAR  
P.O. AND PS. SILCHAR  
DIST. CACHAR  
ASSAM

**Advocate for the Petitioner : Mr. M. H. Laskar, Advocate**

Advocate for the respondents : Mrs. U. Das, Addl. Sr. Govt. Advocate

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
ORDER

22.01.2024

The petitioners herein have filed the writ petition being aggrieved by the inaction on the part of the respondent authorities in not granting allotment/settlement of the land in their favour wherein they claim to be in lawful possession for the last many decades. The petitioners have also submitted a representation before the Assistant Settlement Officer on 16.05.2017 which has also been not considered. It is under such circumstances, the instant writ petition has been filed.

2. This Court has also perused the affidavit-in-opposition filed by the respondent No.2 wherein it has been mentioned that pursuant to the order passed by this Court on 20.03.2017 in WP(C) No.856/2013, various steps have been taken for joint survey and the said process is presently

going on.

3. Be that as it may, this Court also finds it very pertinent to note that for the purpose of applying for the settlement of the land, the Settlement Rules categorically envisage filing application to the Deputy Commissioner which however admittedly have not been done.

4. I have also heard Mrs. U. Das, the learned Additional Senior Government Advocate, Assam who submits that presently the State of Assam has the Land Policy of 2019, and as such, if the petitioners wish to get settlement of the land, the same has to be done in terms with the said Land Policy of 2019.

5. Taking into account the above, this Court disposes of the writ petition thereby granting liberty to the petitioners to apply in terms with the Settlement Rules framed under the Assam land and Revenue Regulations, 1886 read with the Land Policy of 2019.

6. It is made clear that if the petitioners duly apply for the same in the manner prescribed, then the respondent authorities shall duly consider the same in accordance with law.

7. In view of the above, the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**