

GAHC010195242017



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

Case No. : WP(C)/2235/2017

ANJALI DUTTA and ANR.
W/O- LATE LT. COL. SK DUTTA,

2: SMTI. NEELAKSHI DUTTA
W/O- LATE LT. COL. S K DUTTA
BOTH ARE R/O- HOUSE NO.21
BYE LANE NO.5
JAYANAGAR
KHANAPARA
GUWAHATI-781022
DIST- KAMRUPM
ASSA

VERSUS

THE STATE OF ASSAM and 8 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM,
LAND AND REVENUE DEPT, DISPUR, GUWAHATI-06

2:THE SECRETARY
TO THE HON'BLE CHIEF MINISTER OF ASSAM
LAND and REVENUE DEPTT. ASSAM SECRETARIAT
DISPUR
GUWAHATI- 06

3:THE SECRETARY
TO THE GOVT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI-06

4:THE LR and SECRETARY
GOVT OF ASSAM
JUDICIAL DEPARTMENT

DISPUR
GUWAHATI- 6

5:THE DEPUTY COMMISSIONER
KAMRUPM DISTRICT
GUWAHATI- 01

6:THE SETTLEMENT OFFICER
GUWAHATI RESETTLEMENT OPERATION
ULUBARI
GUWAHATI- 07

7:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
DISPUR
DISTRICT- KAMRUPM
ASSAM

8:SHRI PARTHAJIT BARUAH
C/O- NASCO MOTORS and SERVICING CENTRE
BELTOLA
MAIDAMGAON
GUWAHATI-781028

9:SHRI MONOJ DEEP DAS
C/O- NASCO MOTORS and SERVICING CENTRE
BELTOLA
MAIDAMGAON
GUWAHATI-78102

Advocate for the Petitioner : MR.K K PARASAR

Advocate for the Respondent : MR.N MAHAJANR-8

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

14.05.2024

1. Heard Mr. B. Chetri, learned counsel for the petitioners. Also heard Mr. A. Bhattacharjya, learned counsel for the respondent Nos. 1, 2 & 3 and Mr. B.J.

Talukdar, learned Addl. Sr. Government Advocate assisted by Mr. P.K. Medhi, learned counsel for the respondent Nos.4-7. Mr. T. Gogoi, learned counsel appears on behalf of Mr. T.J. Mahanta, learned Sr. Counsel for the respondent Nos. 8 & 9.

2. By way of this writ petition the petitioners are seeking direction to the respondent authorities to dispose of the representations of the petitioners dated 25.05.2015 and 26.11.2016, taking into account the genuine purchaser of 1 Bigha of land under Dag No. 417 and AP No.26 in Maidamgaon under Beltola Mouza and/or settlement to the petitioners to the remaining part of the land as landless persons in pursuance to the Government Land Policy, 1989.

3. Today when the matter is called, it is submitted by Mr. B. Chetri, learned counsel for the petitioners that in the affidavit in opposition filed by the respondent Nos. 8 & 9 (Parthajit Baruah and Monoj Deep Das) in pursuance to the order dated 07.02.2024, it has been averred that it is possible to give right of way to the petitioner though the land of the respondent Nos. 8 & 9. He accordingly submits that in view of the aforesaid consensus given by the respondent Nos. 8 & 9 in their affidavits, the grievance of the petitioners has been met and nothing survives for adjudication in this writ petition.

4. I have heard the learned counsels for the parties.

5. It appears from the affidavit-in-opposition filed on 23.03.2022 by the respondent No.5 [District Commissioner, Kamrup(M)] that as per record, the petitioners had not filed any required documents which are mandatory for settlement of land in greater Guwahati area as per the present land policy and government instructions presently in force for settlement of land. It is the further case of the State Government that the Government has adopted the new

Land Policy of 2019 and new checklists are also adopted. It is the further case of the State Government that if the petitioners submit a fresh application along with the relevant documents before the appropriate authority, the petitioners' case will be placed before the next SDLAC meeting for consideration.

6. It appears that the petitioners have filed the affidavit-in-reply on 24.01.2023 against the aforesaid affidavit-in-opposition, wherein the petitioners have submitted that on 26.11.2021 two applications were filed seeking settlement of the land measuring 1 Katha 5 Lecha each. The receipt Nos. of the said applications are 13562 and 13561 dated 26.11.2021. It further appears that the entrance of the land wherein the petitioners are seeking settlement has been blocked by the respondent Nos.8 & 9.

7. It also appears that this Court by order dated 07.02.2024 had put a specific query upon the learned Sr. Counsel representing the respondent Nos. 8 & 9 as to whether the private respondents would have any difficulties in giving a right of way to the petitioners if any allotment of the land is granted to the petitioners.

8. The respondent Nos. 8 & 9 by filing an affidavit on 22.03.2024 stated that it is possible to give right of way to the petitioners through the land of the respondent Nos. 8 & 9 after proper measurement for the road by the concerned revenue authority and on the condition that the petitioners will hand over some portion of the land from adjacent land on which the petitioners have been seeking settlement as because the private respondents have paid premium of Rs.15,00,000/- for 2 Katha 10 Lecha of land way back in the year 2008 and that they have been possessing the same. It is also stated that the remaining 2 Katha 10 Lecha of the subject land is with the petitioners.

9. There has been a consensus amongst the parties today when the matter was called, that this writ petition can be disposed of with a direction to the State Government to dispose of the applications filed by the petitioners in accordance with the Land Policy of 2019.

10. In view of the aforesaid endorsement made by the learned counsels representing the parties, this Court is of the considered view that this writ petition can be disposed of with a direction to the respondent No. 5 to consider the two applications being Nos. 13562 and 13561 dated 26.11.2021 filed by the petitioners, in terms of the New Land Policy of 2019, within a period of 3 (three) months from the date of receipt of a certified copy of this order.

11. With the aforesaid directions and observations this writ petition stands disposed of.

JUDGE

Comparing Assistant