

GAHC010199562018



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

Case No. : WP(C)/6243/2018

ABDUL ZIAD SK.

S/O- LT BABUR UDDIN SK, VILL- BHIMAPARA, P.O. HATSHINGRIMAI, PS
SOUTH SALMARA, DIST- SOUTH SALMARA, MANKACHAR (ASSAM), PIN-
783135

VERSUS

THE STATE OF ASSAM AND 4 ORS.

REP. BY THE CHIEF SECY., GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY.
TO THE GOVT. OF ASSAM
REVENUE AND SETTLEMENT DEPTT.
DISPUR
GHY-6

3:THE DY. COMMISSIONER
SOUTH SALMARA MANKACHAR
P.S. AND P.O. HATSHINGRIMARI
PIN- 783135

4:THE SETTLEMENT OFFICER
DHUBRI
P.O. AND P.S. AND DIST- DHUBRI
ASSAM
PIN- 783301

5:THE CIRCLE OFFICER
MANKACHAR REVENUE CIRCLE
PO AND P.S. HATSHINGRIMARI
DIST- SOUTH SALMARA MANKACHAR
ASSAM

PIN- 78313

For the Petitioner(s) : Mr. A. Sk, Advocate
For the Respondent(s) : Mr. S. Baruah, Standing Counsel
: A. Bhattacharjee, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 05.02.2024

1. The learned counsel appearing on behalf of the Petitioner submitted that till date, the Petitioner has not been granted the allotment and settlement in respect to the land where he has been possessing for the last 50 years.
2. Mr. S. Baruah, the learned Standing counsel appearing on behalf of the District Administration as well as Mr. A. Bhattacharjee, the learned Standing counsel appearing on behalf of the Revenue Department submitted that if the Petitioner wishes to be allotted and settled any land, he has to make an application in terms with the Land Policy, 2019.
3. The learned counsel appearing on behalf of the Petitioner therefore submitted that he would not like to further proceed with the instant writ petition rather file appropriate application in terms with the Land Policy, 2019 and the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886 seeking settlement of the land. The learned counsel for the Petitioner further submitted that if the Petitioner duly submits application, the Respondent Authorities should consider the same.
4. Accordingly, this Court having heard the learned counsels for the parties is

of the opinion that if the Petitioner applies for allotment and settlement of the land in his possession or any other land, the same has to be done within the contours of the Land Policy, 2019 read with the Settlement Rules under the Assam Land and Revenue Regulation, 1886. Under such circumstances, this Court therefore disposes of the instant writ petition granting liberty to the Petitioner to apply for allotment of the land in question by filing appropriate application in terms with the Land Policy, 2019 and the settlement Rules.

5. It is further observed that if the Petitioner files the said application, the Respondent Authorities and more particularly the District Commissioner, South Salmara and shall duly consider the same on its merits and more particularly the Land Policy, 2019. The said exercise be completed within a period of 300 days from the date of filing of the said application.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant