

GAHC010221762021



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

Case No. : WP(C)/29/2022

PHANIDHAR PHUKAN
S/O. LT. DURGESWAR PHUKAN, R/O. VILL. NORAGAON, P.O. PADUMANI,
P.S. GOLAGHAT, DIST. GOLAGHAT, ASSAM, PIN-785621.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, THE DEPTT. OF
REVENUE AND DISASTER MANAGEMENT, DISPUR, GUWAHATI-06,
ASSAM.

2:THE DEPUTY COMMISSIONER

GOLAGHAT DISTRICT
GOLAGHAT
ASSAM
PIN-785621.

3:THE CIRCLE OFFICER

GOLAGHAT REVENUE CIRCLE
GOLAGHAT
DIST. GOLAGHAT
ASSAM
PIN-785621.

4:THE GOLAGHAT ZILLA PARISHAD

THE DEPTT. OF PANCHAYAT RAJ AND RURAL DEVELOPMENT
REP. BY THE CHIEF EXECUTIVE OFFICER
P.O. AND P.S. GOLAGHAT
DIST. GOLAGHAT

ASSAM
PIN-785621.

5:THE BETIONI GAON PANCHAYAT

DEKADULAKHARIA
P.O. NABHETA
DIST. GOLAGHAT
ASSAM AND IT IS REP. BY THE SECRETARY
PIN-785622.

6:THE SECRETARY

THE BETIONI GAON PANCHAYAT
DEKADULAKHARIA
P.O. NABHETA
DIST. GOLAGHAT
ASSAM
PIN-785622

For the Petitioner(s) : Mr. L.K. Borah, Advocate

For the Respondent(s) : Ms. M. Barman, Jr. Govt. Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 27.11.2024

The petitioner herein is aggrieved by the issuance of the notice dated 22.10.2021 by the President and the Secretary of the Betioni Gaon Panchayat, Betioni, Golaghat, Assam whereby the petitioner was asked to appear in the public meeting which was organized on 25.10.2021 at 11.00 A.M. to find out a proper solution.

2. Mr. L.K. Borah, the learned counsel appearing on behalf of the petitioner submitted that the petitioner apprehends, that the said Authorities shall

dispossess the petitioner forcefully and as such has filed the instant writ petition. It is a well settled principle of law that a person who is in possession of a land can only be evicted by following the due process.

3. Be that as it may, the issue involved in the instant writ petition was only asking the petitioner to appear in the public meeting to be held on 25.10.2021 and that to for arriving at a proper solution of the matter. Under such circumstances, this Court does not find a case has been made out for interference under Article 226 of the Constitution for which the instant writ petition stands dismissed.

4. Be that as it may, this Court however, observes that if the petitioner is to be evicted, the same can only be done by following the due process.

5. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant