

GAHC010222312023



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

Case No. : WP(C)/5842/2023

GAUTAM KUMAR BISWAS
S/O- LATE GOPAL KRISHNA BISWAS, R/O- VILLAGE AND P.O. SIMLAGURI,
P.S. DHALIGAON, PIN CODE- 783381, DISTRICT- CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, TO THE GOVERNMENT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE BOROLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS PRINCIPAL SECRETARY
BODOLAND SECRETARIAT
BODOFA NWGWR
KOKRAJHAR

3:THE SECRETARY
LAND
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BODOLAND SECRETARIAT
BODOFA NWGWR
KOKRAJHAR

4:THE DISTRICT COMMISSIONER
CHIRANG
KAJALGAON
P.O. AND P.S. KAJALGAON
DISTRICT- CHIRANG
ASSAM
PIN CODE- 783385

5:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
SIDLI
DISTRICT CHIRANG
ASSAM
PIN CODE- 783373

6:LOT MANDAL
LOT NO. 11
VILLAGE SIMLAGURI
MOUZA- SIDLI PART-I
CIRCLE-SIDLI
SUB-DIVISION- KAJALGAON
DISTRICT- CHIRANG
ASSAM
PIN CODE- 78337

Advocate for the Petitioner : MR. A K HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

06.03.2024

1. Heard Mr. A. K. Hussain, learned counsel for the petitioner. Also heard Mr. S. Baruah, learned Government Advocate, Assam representing the respondent No. 4 and Mr. R. K. Mushahary, learned Standing Counsel for the BTC representing the respondent Nos. 2, 3, 5 and 6.
2. By this writ petition, the petitioner seeks for a demarcation in respect of land measuring 2 Bigha, 4 Lessa out of 7 Bigha, 2 Katha 14 Lessa of Dag No. 24 of Periodic Patta No. 10 of village- Simalaguri, under Sidli Circle Part-I in the district of Chirang, Assam.
3. Mr. Baruah, learned Government Advocate submits that the procedure to be now adopted by the Circle Officer to undertake the process of demarcation would

have to be under the Assam Right to Public Services Act, 2012 (in short Act of 2012) and guidelines framed thereunder.

4. Mr. Hussain, learned counsel for the petitioner submits that in view aforesaid submission, a direction may be issued to the Circle Officer, Sidli Revenue Circle to entertain the application filed by the petitioner for demarcation and to pass a reasoned order.
5. In view of the aforesaid consensus and considering the available remedy under the Act, 2012, the present writ petition is disposed of directing the Circle Officer, Sidli Revenue Circle to entertain the application of the petitioner for demarcation which was filed on 21.11.2022 and pass a reasoned order thereon and in doing so, the complete procedure provided under the Act of 2012 be followed. For the purpose, if necessary, notices may be also issued to any other affected persons, who according to the Circle Officer require a hearing to be given under the law. It is further clarified that if necessary, the petitioner shall file a fresh application through online portal, if the same is mandated under the extant guidelines.
6. The writ petition is disposed of as indicated above.

JUDGE

Comparing Assistant