

GAHC010226432014



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

Case No. : WP(C)/3888/2014

RAJA PATHAR NEPALI GAON SAMEETI
REP. BY ITS SECRETARY, NAMELY SRI NARAYN GAUTAM, S/O SRI PAHAL
SINGH GAUTAM, R/O RAJAPATHAT, NEPALI BASTI, P.O. RAJAPATHAR, P.S.
BAKALIA, KARBI ANGLONG, ASSAM

VERSUS

THE ASSAM BOARD OF REVENUE and 4 ORS,
REP. BY ITS CHAIRMAN, PANBAZAR, GHY-01, ASSAM

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY ITS PRINCIPAL SECRETARY
REVENUE
KARBI ANGLONG AUTONOMOUS DISTRICT COUNCIL
DIPHU

3:THE JT. SECRETARY
REVENUE DEPTT.
KARBI ANGLONG AUTONOMOUS DISTRICT COUNCIL
DIPHU

4:THE DY. COMMISSIONER
KARBI ANGLONG
DIPHU
ASSAM

5:SURUJ CHOUHAN
S/O MAHADEV CHOUHAN
R/O RAJAPATHAT
NEPALI BASTI
P.O. RAJAPATHAR
P.S. BAKALIA

KARBI ANGLONG
ASSA

For the Petitioner(s) : Mr. S. K. Chakraborty, Advocate
: Ms. A. Chakraborty, Advocate

For the Respondent(s) : Mr. S. Chauhan, Standing Counsel
: Mr. J. Chutia, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 09.01.2024

1. The instant writ petition has been filed challenging the order dated 07.04.2014 passed by the Assam Board of Revenue in Case No.78RA(KRB)/2010.

2. From a perusal of the writ petition as well as the impugned order, it reveals that the Respondent No.5 herein had purchased a plot of land measuring 5 Bighas 2 Kathas 7 Lechas covered by Dag No.9/49 of P.P. No. 99 situated at village Tiniali, Non-K, Mouza Longfer. It appears from the impugned order itself that the Respondent No.5 purchased the said land after obtaining the permission from the Assistant Revenue Officer, Phuloni Revenue Circle and the land thereupon also was mutated in the name of the Respondent No.5. Thereupon, the Petitioner herein who claims to be a society had approached the Assistant Revenue Officer, Phuloni Revenue Circle for cancellation of the patta which have been issued in favour of the Respondent No.5. The Assistant Revenue Officer, Phuloni Revenue Circle thereupon vide an order dated 24.09.2009 cancelled the patta which have been issued in favour of the Respondent No.5. Subsequent to the said order dated 24.09.2009, the Joint

Secretary, Revenue of the Karbi Anglong Autonomous Council, Diphu vide an order dated 02.03.2010 directed to settle the land in the name of an institution namely Nepali Bishnu Mandir.

3. The Respondent No.5 being aggrieved by the actions of the Respondent Authorities and the order dated 24.09.2009 had filed the appeal before the Assam Board of Revenue which have been registered and numbered as Case No.78RA(KRB)/2010. Vide the impugned order dated 07.04.2014, the order passed by the Assistant Revenue Officer, Phuloni Revenue Circle dated 24.09.2009 was interfered with as well as also the consequential order dated 02.03.2010 and the learned Assam Board of Revenue further directed that the patta be restored in favour of the Respondent No.5 and the land records be corrected accordingly. Being aggrieved, the Petitioner has approached this Court challenging the said order dated 07.04.2014.

4. I have heard the learned counsels for the parties and have also perused the materials on record. This Court have also taken note of that the reasons assigned by the learned Assam Board of Revenue and is of the opinion that at the instance of the Petitioner, the said impugned order dated 07.04.2014 cannot be interfered with. Further to that, this Court also takes note of Rule 26 of the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886 which have been duly adopted by the Karbi Anglong Autonomous Council and as per the said provision, it is only the Commissioner and in the case of Karbi Anglong Autonomous Council, the Executive Member, Revenue who has the authority to cancel the patta. However, in the instant case, as the patta was cancelled by the Assistant Revenue Officer, Phuloni Revenue Circle which was absolutely without jurisdiction, this Court finds no reason to interfere with the order dated 07.04.2014 passed by the learned Assam Board of Revenue.

5. Taking into account the above, the instant writ petition stands dismissed.

JUDGE

Comparing Assistant