

GAHC010230622024



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

Case No. : WP(C)/5847/2024

RAMESH LALUNG
SON OF- DHUWA LALUNG, RESIDENT OF- SURYA NAGAR, P.S. NOONMATI,
P.O.- UDAYAN BIHAR, DISTRICT- KAMRUP (M), ASSAM, PIN CODE- 781171

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY REVENUE
DEPARTMENT, DISPUR GHY-6

2:THE JOINT-SECRETARY
REVENUE DEPARTMENT
KAMRUP (M) ASSAM

3:THE DEPUTY COMMISSIONER
KAMRUP (M)
ASSAM

4:GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (GMDA)
REPRESENTED BY ITS DIRECTOR BHANGAGARH
GHY-

Advocate for the Petitioner : MS. T SOM, MR H DAS,MS. U HAZARIKA

Advocate for the Respondent : GA, ASSAM, SC, G M D A,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 13.11.2024

Heard Ms. T. Som, learned counsel for the petitioner; Ms. G. Hazarika, learned
Standing Counsel, Revenue and Disaster Management Department for the respondent nos. 1

& 2; Ms. S. Konwar, learned Junior Government Advocate, Assam for the respondent no. 3; and Mr. S. Bora, learned Standing Counsel, GMDA for the respondent no. 4.

This writ petition is preferred by the petitioner with the projection that he is in possession of a plot of land measuring 13 Kathas covered by Dag no. 85 and Patta no. 22 situated at Revenue Village – Satgaon, Mouza – Beltola, Dispur Revenue Circle, District – Kamrup [Metro] since long. In an eviction process carried out on 28.02.2023, the petitioner was evicted from the said plot of land. The petitioner has stated that against such allegedly illegal eviction, the petitioner has submitted a representation before the respondent no. 4 for consideration of the prayers made therein.

Mr. Bora, learned Standing Counsel, GMDA appearing for the respondent no. 4 has submitted that the petitioner has approached this Court by this writ petition for the second occasion after preferring a writ petition, W.P.[C] no. 2819/2024 earlier. It is submitted by him that the writ petition, W.P.[C] no. 2819/2024 stood withdrawn, at the instance of the petitioner himself, by an Order dated 27.09.2024 without seeking any leave/liberty to file a fresh one. It is, thus, submitted by him that the instant writ petition is not maintainable in law. He has placed a copy of the Order dated 27.09.2024.

The Order dated 27.09.2024 is perused.

As no leave/liberty was sought for, while withdrawing the previous writ petition, W.P. [C] no. 2819/2024 on 27.09.2024 and no leave/liberty was granted, this writ petition preferred for the second occasion by the petitioner is found to be not maintainable and accordingly, the same stands dismissed. It is, however, observed that dismissal of the writ petition would not construe that the petitioner would be precluded from seeking appropriate remedy, as permissible to him under the law.

JUDGE

Comparing Assistant