

GAHC010232212016



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

Case No. : WP(C)/7388/2016

ANIL BORGOHAIN and 5 ORS.
S/O LT. KULENDHAR BORGOHAIN

2: SRI NRIPEN GOGOI
S/O LT. NANDA NATH GOGOI

3: SRI BABUL BORUAH
S/O LT. KAMAL CH. BORUAH

4: SMTI. UPARANI BORGOHAIN
W/O SRI KHIROD CHETIA

5: SMTI. PUSPA LAHON
W/O SRI PRAFULLA BORGOHAIN

6: SMTI. PRABHARANI BORAH @ PRABHABATI BORAH
W/O SRI BALINDRA MAHANTA ALL ARE RESIDENT OF PENGREE
CHARIALI P.O. and P.S. PENGREE
DIST. TINSUKIA
PIN - 786181

VERSUS

STATE OF ASSAM and 3 ORS.
THROUGH THE SECRETARY LAND and REVENUE DEPT. GOVT. OF A SSAM,
ASOM SACHIVALAYA, DISPUR, GUWAHATI - 781006.

2:THE DEPUTY COMMISSINER

TINSUKIA DISTRICT
P.O. TINSUKIA PIN - 786125.

3:SUB-DIVISIONAL OFFICER CIVIL
MARGHERITA SUB-DIVISION P.O. and P.S. MARGHERITA DIST. TINSUKIA

ASSAM PIN - 786181.

4:THE CIRCLE OFFICER

MARGHERITA REVENUE CIRCLE
P.O. and P.S. MARGHERITA DIST. TINSUKIA
ASSAM PIN-786181

Advocate for the Petitioner : MRG P BHOWMIK, MS.P CHETIA,MR.R HAZARIKA

Advocate for the Respondent : , GA, ASSAM(R1-4),

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 13-09-2024

None appears for the petitioner on call.

Mr. S. Baruah, learned counsel for the respondent No.4 by referring to the affidavit so filed by the said authority submits that the names of the petitioners No.1, 2 and 3 were deleted from the Touzi record dated 17.04.1994, while there was no record in this connection in respect of respondents No.4, 5 and 6.

Mr. S. Baruah, learned counsel also submits that the land in question is a reserved land and there is no record available pertaining to the allotment of the said land to the school for setting up of boy's hostel.

It is also submitted by Mr. S. Baruah, learned counsel that there was no record establishing the fact that the petitioners herein were in occupation of the land in question for the last 30 years.

In view of the above submission, which was not disputed by the petitioners herein, by way of filing rejoinder, the petitioners are to be held to be in illegal occupation of the land in question and accordingly the eviction process as initiated cannot be said to erroneous.

However, considering the fact that none has appeared on behalf of the petitioners on call, this Court refrains from proceeding to dismiss the writ petition on merit.

However, the writ petition stands dismissed for non-prosecution.

JUDGE

Comparing Assistant