

GAHC010241882018



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

Case No. : WP(C)/7548/2018

CHERIDEO PURBUT TEA ESTATE
REP. BY MR. SHAKEEL RAFIQUE, S/O. LT. MR. M RAFIQUE, MANAGER,
CHERIDEO PURBUT TEA ESTATE, DARJEELING ORGANIC TEA ESTATES
PVT. LTD., P.O. NAZIRA, DIST. CHARAIDEO, ASSAM-785685.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE SECRETARY, REVENUE DEPTT., GOVT. OF ASSAM, DISPUR,
GUWAHATI.

2:THE DY. COMMISSIONER

CHARAIDEO
SONARI
ASSAM.

3:THE ADDL. DY. COMMISSIONER

CHARAIDEO
SONARI
ASSAM.

4:THE DIRECTOR

STATE ARCHAEOLOGICAL SURVEY OF INDIA
SIVASAGAR
ASSAM

Advocate for the Petitioner : MR H RAHMAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

13.03.2024

1. Heard the learned counsel for the parties.
2. An order dated 24.09.2018 passed by the Deputy Commissioner, Charaideo in exercise of its power under Section 144 of Cr.P.C. is under challenge in the present writ proceeding.
3. To maintain peace and tranquility, a prohibitory order was promulgated prohibiting encroachment of the proposed reserved land of Archaeological Department of 300 M (prohibited and regulated area) periphery which was not under plantation.
4. By the said order, the petitioner was directed to remove fencing etc. along with new tea plantation in the above mentioned land. It is also noted that, it is the case of the petitioner that they themselves found out the archaeologically important area and intimated the Deputy Commissioner and they have not made any plantation in and around the said area.
5. As the order was passed under the provision of Section 144 of Cr.P.C., this Court sought instruction from the District Commissioner, Charaideo, as to whether the aforesaid order was extended beyond its period of 60 days.
6. Mr. S. Baruah, learned counsel representing the Deputy Commissioner, Charaideo on instruction has submitted that there was no further extension of the promulgation and / or the prohibition issued and there is no apprehension for present of any breach of peace and tranquility. The learned counsel for the

petitioner submits that the company is now being managed by resolution professional under IBC.

7. Be that as it may, in view of the stand taken by the Deputy Commissioner, nothing survives to be adjudicated in the present writ petition. Accordingly, same stands closed.
8. The instruction dated 08.03.2024 received from the Deputy Commissioner, Charaideo is kept on record and marked as document "X".

JUDGE

Comparing Assistant