

GAHC010258772022



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

Case No. : WP(C)/8223/2022

CHUDIN MARAK AND 12 ORS
S/O. LT. MEGANATH SANGMA,

2: GOBINDA HAJONG

S/O. LT. AMULYA HAJONG

3: AZIT KUMAR DALU

S/O. LT. ASHOK KR. DALU

4: RAGHUNATH KOCH

S/O. LT. RAMANANDA KOCH

5: SURJYA DAS

S/O. NIKUNJA KOCH

6: UJJOL KOCH

S/O. NIKUNJA KOCH

7: BINOD DALU

S/O. LT. NEPAL DALU

8: NILKAMAL DAS

S/O. LT. NITAI DAS

9: PADAM BAHADUR GURUNG

S/O. LT. SHER BAHADUR GURUNG

10: DEBARAJ DALU

S/O. LT. RAJ MOHAN DALU

11: KANAK RAY

S/O. LT. JOGESHWAR RAY

12: SUBHASH SARKAR

S/O. LT. KRISHNA

13: NIRMAL KUMAR MINGI

S/O. JOBON MINGI

ALL ARE RESIDENTS OF VILL. RAKHYASHINI JHAR

P.O. RAKHYASHINI

P.S. MORNAI

DIST. GOALPARA

ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
REHABILITATION DEPT., DISPUR, GUWAHATI-06.

2:THE STATE OF ASSAM

REP. BY THE COMM. AND SECY. ENVIRONMENT AND FOREST DEPT.

JANATA BHAWAN

DISPUR

GUWAHATI-06.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE

ASSAM

ARANYA BHAWAN

PANJABARI
GUWAHATI-37.

4:THE DIVISION FOREST OFFICE

GOALPARA DIVISION
GEETA NAGAR
GOALPARA-21.

5:THE DY. COMMISSIONER

GOALPARA
P.O. AND DIST. GOALPARA
ASSAM
PIN-782442.

6:THE CIRCLE OFFICER

MATIA REVENUE CIRCLE
DIST. GOALPARA
ASSAM
PIN-783125

Advocate for the petitioner(s): Mr. AR Sikdar

Advocate for the respondent(s): Mr. N Goswami

Junior Government Advocate, Assam
Mr. J Handique,
Standing Counsel, Revenue Department
Government of Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

20.08.2024

Heard Mr. AR Sikdar, the learned counsel appearing on behalf of the

petitioners.

2. Mr. N Goswami, the learned Junior Government Advocate appears on behalf of the District Administration and Mr. J Handique, the learned counsel appears on behalf of the Revenue Department, Government of Assam.

3. The petitioners herein who are 13 in number have approached this Court being aggrieved by the inaction on the part of the respondent authorities in not taking into consideration their application for settlement filed on 31.11.2022.

4. This Court has duly taken note of the Land Policy of 2019 as well as Rule 5 of the Settlement Rules. As per Rule 5 of the Settlement Rules, an application for lease of waste land has to be presented to the District Commissioner or to other Officer as empowered by the District Commissioner under Rule 3. The said application has to be in the Form 125 and Form 126. In addition to that, it is also apprised by Mr. N Goswami, the learned Junior Government Advocate appearing on behalf of the District Administration that the petitioners can also apply in the Mission Basundhara-3.0 portal.

5. This Court has also taken note of the Land Policy of 2019 wherein the manner and procedure has been laid down as to how the application for allotment and settlement can be processed.

6. In the instant case, however, it is seen that 161 persons have joined together submitting an application seeking settlement. Such an application in the opinion of this Court has been rightly not taken into consideration, as the same is not as per the mandate of law.

7. Accordingly, this Court is not inclined to issue any direction on the relief so sought for. However, this Court observes that the petitioners herein would be at liberty to file individual application seeking settlement in terms with Rule 5 of

the Settlement Rules and or in the Mission Basundhara-3.0 Portal and if such an application is made, the respondent authorities shall duly consider the same in accordance with the extant law.

8. With the above, this writ petition stands disposed of.

9. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant