

GAHC010260232024



undefined

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

Case No. : WP(C)/6614/2024

THE UNITED TRIBAL ORGANISATION, ASSAM AND 6 ORS.
REPRESENTED BY ITS PRESIDENT SRI MARKUSH BASUMATARY, VILL-
SOUTH GANDABIL, V.C.D.C., AMGURI, P.S. AMGURI, DIST. CHIRANG,
BTAD, ASSAM, PIN- 783390 ON BEHALF OF THE FOLLOWING.

1. SUBASH CH. BRAHMA, SON OF LATE NEPAL CH. BRAHMA, R/O- VILL.-
PALASHGURI, P.O. DULIGAON, P.S. BAGRIBARI, DIST.- KOKRAJHAR, SUB-
DIVISION- PARBATJHORA, PIN- 783337, B.T.A.D., ASSAM

2: JATINDRA BRAHMA
S/O- LATE NEPAL CH. BRAHMA
R/O- VILL.- PALASHGURI
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSAM

3: DHWRWM BRAHMA
S/O- LATE RATIRAM BRAHMA
GRANDSON OF LATE NEPAL CH. BRAHMA
R/O- VILL.- PALASHGURI
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSAM

4: TEBLARAM BRAHMA
S/O- LATE BASURAM BRAHMA
GRANDSON OF LATE KANARAM BRAHMA

R/O- VILL.- TILAPARA
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSAM

5: AMAL BRAHMA
S/O- LATE RAJENDRA BRAHMA
GRANDSON OF LATE KANARAM BRAHMA
R/O- VILL.- TILAPARA
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSAM

6: SIMANGSA BRAHMA
S/O- LATE SAMBARU BRAHMA
GRANDSON OF LATE KANARAM BRAHMA
R/O- VILL.- TILAPARA
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSAM

7: PARESH BRAHMA
S/O- LATE KANDURA BRAHMA
R/O- VILL.- TILAPARA
P.O. DULIGAON
P.S. BAGRIBARI
DIST. KOKRAJHAR
SUB-DIVISION- PARBATJHORA
PIN- 783337
B.T.A.D.
ASSA

VERSUS

THE GOVERNMENT OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF

ASSAM, DISPUR, GUWAHATI-06.

2:PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM
PIN- 783301.

4:THE CIRCLE OFFICER
OFFICE OF THE CIRCLE OFFICE
DHUBRI REVENUE CIRCLE
DHUBRI
DIST. DHUBRI
ASSAM
PIN- 783301.

5:THE CIRCLE OFFICER
OFFICE OF THE CIRCLE OFFICE
GAURIPUR REVENUE CIRCLE
GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783331.

6:REZAK KHAN
S/O- SHIRAJ ALI
R/O.- VILL.- ALOMGANJ
MOUZA- ALOMGANJ
GAURIPUR REVENUE CIRCLE
DIST. DHUBRI
ASSAM
PIN- 783339.

7:MOINUDDIN SHEIKH
S/O- SHIRAJ ALI
R/O- VILL.- ALOMGANJ
MOUZA- ALOMGANJ
GAURIPUR REVENUE CIRCLE
DIST. DHUBRI
ASSAM
PIN- 783339

Advocate for the Petitioner : MR. A NARZARI, MS. S T BOKTH

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

11-12-2024

Heard Ms. S.T. Bokth, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Additional Senior Government Advocate, Assam.

2] This writ petition is filed by the petitioner Organisation seeking a direction to the Deputy Commissioner, Dhubri to dispose of the complaint petition filed by the petitioner and which was received by the Office of the Deputy Commissioner on 29.11.2023. In the complaint filed by the petitioner it is alleged that certain unidentified individuals have illegally encroached upon the land belonging to the petitioner by showing certain sale deeds which the petitioner claims are false and fabricated. The petitioner claims that the land in question belongs to the members of the Organisation. The claim of the petitioner is that the grievance of the petitioner has not been redressed by the Deputy Commissioner, Dhubri in spite of the complaint petition being filed as far back on 29.11.2023.

3] Mr. H. Sarma, learned Additional Senior Government Advocate, Assam, submits that the complaint reflects that it was filed against certain private persons and therefore, it appears to be dispute of purely civil in nature.

4] Keeping in view the extremely limited prayer made in the present writ petition that the complaint petition filed by the petitioner before the Deputy Commissioner, Dhubri should be disposed of, which statement, prima facie, appears to be correct in view of an endorsement made on the body of the

complaint that it has been received by the Deputy Commissioner, Dhubri.

5] Accordingly, without going into the merits of the case, this Court is of the view that the writ petition can be disposed of with a direction to the Deputy Commissioner, Dhubri to dispose of the complaint petition stated to have been filed by the petitioner on 29.11.2023, which is enclosed as Annexure-B of the writ petition. The Deputy Commissioner, Dhubri will dispose of the said representation within a period of 60 (sixty) days from the date of receipt of a certified copy of this order along with a copy of this writ petition will all annexures. The Deputy Commissioner, Dhubri will proceed to dispose of the matter after giving adequate opportunity of hearing to the members of the petitioner Organisation as well as to the other affected parties against whom the complaint petition has been filed. The Deputy Commissioner, Dhubri will pass a speaking order disposing of the said complaint petition and a copy thereof shall be served to the writ petitioner.

6] With the above observations and directions, the writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant