

GAHC010261072024



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

Case No. : WP(C)/6613/2024

JYOTIRMAY CHAKRABARTY
S/O- LT. RANENDRA CHAKRABARTY, VILL- HAKAMA PT. II (BILASIPARA
WORD NO. 9 TOWN), P.O. HAKAMA, P.S. BILASIPARA, DIST.- DHUBRI,
(ASSAM), PIN- 783348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GHY-06

2:THE DEPUTY COMMISSIONER
DHUBRI ASSAM
PIN- 783301

3:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
DIST.- DHUBRI
ASSAM
PIN- 783348

4:ASHESH KUMAR CHAKRABARTY
S/O- LT. AMULLA KUMAR CHAKRABARTY
VILL- HAKAMA PT. II (BILASIPARA WORD NO. 9 TOWN)
P.O. HAKAMA
P.S. BILASIPARA
DIST.- DHUBRI
(ASSAM)
PIN- 78334

Advocate for the Petitioner : MR. M U MONDAL, MR K ISLAM,A A AHMED,MR. A W
MONDAL,MR A ALIM SK,MS. N NASRIN

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

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

11-12-2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Additional Senior Government Advocate, Assam.

2] The petitioner claims to be the owner of a land measuring 2 Bigha 2 Katha 0 Lecha covered by Kheraji Miyadi Patta no.57 under Dag No.48 at Village-Hakama Pt.-I (Town) under Bilasipara Revenue Circle, District Dhubri, Assam. It is submitted that the said plot of land has been possessed by the petitioner for last several years. Learned counsel for the petitioner submits that the petitioner has filed several representations before the respondent authorities, particularly, the respondent nos. 2 & 3 for demarcation of the said plot of land. It is submitted that the petitioner has submitted a representation on 12.10.2022 before the Assistant Settlement Officer, Bilasipara. Thereafter, the petitioner again filed another representation on 22.01.2024. On the basis of the representations filed by the petitioner, the Determination case vide No.BPC/D/22/2024 was registered by the Office of the Circle Officer, Bilasipara Revenue Circle. By the notice dated 01.03.2024 issued by the Office of the Circle Officer, Bilasipara Revenue Circle in connection with said determination case the date was fixed for determination of the boundary on 15.03.2024. However, in spite of the notice being issued, the steps required to be carried out for identification of demarcation of the boundary was not carried out. Being aggrieved, the petitioner has approached this Court.

3] Mr. H. Sarma, learned Additional Senior Government Advocate, Assam submits that as per the Office Memorandum dated 21.12.2020 application for demarcation is required to be submitted in standard application form before the Circle Officer of the concerned Circle and thereafter, the said procedure will be carried out as per the procedure prescribed under the said OM subject to payment of necessary fees and charges.

4] Considering the limited prayer of the writ petitioner and also upon taking note of the notice dated 01.03.2024 stated to have been issued by the Circle Officer, Bilasipara Revenue Circle, this Court is of the view that the ends of justice will be met if the writ petition is disposed of with a direction to the Circle Officer, Bilasipara Revenue Circle to complete the process of demarcation as prayed for by the petitioner.

5] Accordingly, the Circle Officer, Bilasipara Revenue Circle shall carry out the demarcation process as prayed for by the petitioner and which application is stated to have been numbered as Determination case vide No.BPC/D/22/2024. This exercise will be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order to be placed by the writ petitioner and subject to payment of all fees/charges as may be necessary for the purpose of demarcation of the boundary.

5] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant