

GAHC010264902023



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

Case No. : WA/105/2024

BONANI KEMPRAI
W/O LATE POBITRO KEMPRAI, RESIDENT OF GADAIN RAZEE, HAFLONG,
P.S- HAFLONG, DIST- DIMA HASAO, HAFLONG, PIN- 788819

VERSUS

THE CHIEF EXECUTIVE MEMBER AND 5 ORS.
DIST- DIMA HASAO, HAFLONG, PIN- 788819

2:THE DEPUTY COMMISSIONER
DIMA HASAO
HAFLONG
DIST- DIMA HASAO
HAFLONG
PIN- 788819

3:THE LAND REVENUE AND SETTLEMENT OFFICER
NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
DIST- DIMA HASAO
HAFLONG
PIN- 788819

4:THE REVENUE OFFICER (W)
N C HILLS AUTONOMOUS COUNCIL
HAFLONG
DIST- DIMA HASAO
HAFLONG

5:LOT PATWARI
I/C HAFLONG N C HILLS AUTONOMOUS COUNCIL
DIST- DIMA HASAO

HAFLONG
PIN- 788819

6:SWARUP KHERSA
S/O- LATE SURESH KHERSA
R/O- NEAR GOVT BOYS HIGH SCHOOL
GADAIN RAZEE
HAFLONG
P.S- HAFLONG
DIST- DIMA HASAO
HAFLONG
PIN- 78881

Advocate for the Petitioner : MR B PATHAK

Advocate for the Respondent : MR R M DAS

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29-04-2024
(S. Shyam, J.)

Heard Mr. B. Pathak, learned counsel appearing for appellant.

Also heard Mr. N. Das, learned Government Advocate appearing for respondent No. 2.

Mr. C. Sarma learned counsel has appeared for respondent Nos. 1, 3, 4 & 5 and Mr. B. Baruah, learned counsel has appeared for respondent No. 6.

This intra-court appeal is directed against the judgment and order dated 22.09.2023 passed by the learned Single Judge in WP(C) No. 7716/2019 interfering with the order of mutation dated 01.07.2019 granted in favour of the appellant. It appears that pursuant to the impugned judgment and order dated 22.09.2023, afresh order of mutation was granted on 03.11.2023 in favour of

the respondent No. 6.

Mr. Pathak submits that during the pendency of this proceeding, the respondent No. 6 has instituted Title Suit No. 02/2023 before the court of Civil Judge (Junior Division), Dima Hasao and the suit is pending disposal, wherein the appellant is also a party. The apprehension of Mr. Pathak is, however, on account of the fact that unless an observation is made by this court, the order dated 03.11.2023 will attain finality, thus, conferring indefeasible right upon the respondent No. 6.

It is settled law that in any land dispute raising question of title and possession, the decree of the civil court would have to be respected by the Revenue Authority while making entry in the record of the right, which ought to be manifested by an order of mutation. Since a civil suit is already pending before the competent court pertaining to the same plot of land by and between the contesting parties, we see no reason for making any further observation in the writ appeal save and except providing that order of mutation dated 03.11.2023 granted in favour of the respondent No. 6 shall abide by the decree to be passed by the civil court in Title Suit No. 02/2023.

With the above observation, the instant writ appeal stands disposed of.

JUDGE

JUDGE

Comparing Assistant