

GAHC010270292018



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

Case No. : WP(C)/8472/2018

MOHIBUL ISLAM

S/O- ABDUL RAHMAN, R/O- ANANDA NAGAR, WARD NO. 1, BILASIPARA,
P.O. BILASIPARA, P.S. BILASIPARA, DIST- DHUBRI (ASSAM), PIN- 783348

VERSUS

THE STATE OF ASSAM AND 6 ORS.

REP. BY THE CHIEF SECY., GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY.
TO THE GOVT. OF ASSAM
REVENUE AND SETTLEMENT DEPTT.
DISPUR
GHY-6

3:THE DY. COMMISSIONER
DHUBRI
P.S. AND P.O. DHUBRI
PIN- 783301

4:THE SETTLEMENT OFFICER
DHUBRI
P.O. AND P.S. AND DIST- DHUBRI
ASSAM
PIN- 783301

5:THE SUB-DIVISIONAL OFFICER (C)
BILASIPARA
P.O. AND P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
P.O. AND P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

7:THE OFFICER-IN-CHARGE
BILASIPARA P.S.
P.O. AND P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM (R1,3TO7)

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

03.04.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. A. Bhattacharya, learned Standing Counsel Revenue for respondent No. 2 and Mr. S. Baruah, learned Government Advocate, Assam for respondent Nos. 1, 3 to 7.

This is an application under Article 226 of the Constitution of India, wherein the petitioner is canvassing the inaction of the respondent authorities in allotting/settling the land measuring 4 Lecha covered by Dag No. 202 at Village Bilasipara Sadar bounded by East-Subash Saha, West-Govt. Land, North-Gautom Chakrovorty and others and South P.W.D. Road under Bilasipara Revenue Circle, Dist – Dhubri.

The case of the petitioner is that the petitioner is an indigeneous educated unemployed landless person, who has been possessing a plot of land measuring as stated above w.e.f. 23.05.1996 upto till date, wherein he has constructed a small grocery shop and Bettlenut shop by paying Touzi Bahira Revenue (TBR) w.e.f. 1996 – 2011.

It is the further case of the petitioner that he has applied for settlement/allotment for the said plot of land by various applications, which were annexed as Annexure-7, 8 & 9 to the writ petition. However, the said applications have not been considered till date.

I have heard the submissions made at the bar and have perused the materials available on record.

Mr. A. Bhattacharya, learned Standing Counsel Revenue Department submits that the Government has framed new Land Settlement Policy, which is Land Policy, 2019 and the said Policy shall apply to the case of the petitioner.

Considering that the grievance of the petitioner that his land for allotment/settlement of the subject land has not been considered by the competent authority, this Court is of the considered view that this writ petition can be disposed of with a direction to the competent authority, especially respondent No. 3 to consider the application/representation of the petitioner for allotment/settlement of the subject land within a period of 1 month from the date of receipt of the fresh application/representation filed by the petitioner. As and when the said application is filed by the petitioner, the competent authority (respondent No. 3) shall consider the same in accordance with law.

With the aforesaid observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant