

GAHC010285402023



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

Case No. : WP(C)/7368/2023

FAIZUL HOQUE
S/O NABI HUSSAIN, VILL-MAGURMARI, P.O.-KANDHULIMARI, P.S.-DHING,
DIST-NAGAON, ASSAM, PIN-782123

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT OF ASSAM, PANCHAYAT
AND RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT ASSAM
PANJABARI
GUWAHATI-781037

3:DIRECTOR OF PANCHAYAT AND RURAL DEVELOPMENT
GUWAHATI
ASSAM

4:THE DEPUTY COMMISSIONER
NAGAON
P.O.-NAGAON
DIST-NAGAON
ASSAM

5:THE CHIEF EXECUTIVE OFFICER
NAGAON ZILLA PARISHAD
NAGAON
ASSAM

6:THE CIRCLE OFFICER
BATADRAVA REVENUE CIRCLE

BATADRABA
NAGAON
ASSAM

7:THE BLOCK DEVELOPMENT OFFICER
BATADRABA DEVELOPMENT BLOCK
BATADRAVA
NAGAON
ASSAM

8:BATADRABA ANCHALIK PANCHAYAT
BATADRABA
NAGAON
ASSAM
REPRESENTED BY ITS PRESIDENT AND EXECUTIVE OFFICER

9:DHING MUNICIPAL BOARD
P.O. AND P.S.-DHING
DIST-NAGAON
ASSAM
REPRESENTED BY ITS EXECUTIVE OFFICE

Advocate for the Petitioner : MR. R SHARMA

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 24-01-2024

Heard Mr. R. Sharma, learned senior counsel assisted by Mr. E. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. U. Sarma, learned counsel appearing on behalf of Mr. S. Dutta, learned counsel appearing for respondent Nos. 1,2,3,5 & 7 and Mr. K. Gogoi, learned State Counsel appearing for respondent No. 6.

Steps were taken upon respondent Nos. 8 & 9 by dasti service.

The petitioner had filed additional affidavit regarding dasti service upon respondent Nos. 8 & 9 stating that dasti service upon the respondent Nos. 8 & 9 has been served upon the said respondents and as such, the service upon them is treated to be completed.

As per the facts projected, the petitioner has been settled with the Leteri Beel under the Batadraba Anchalik Panchayat, Nagaon for the year 2023-24. However, the respondent authority has failed to demarcate the boundary of the Leteri Beel because of which the petitioner is unable to operate the Beel. Not only that the leasee of the adjacent Beel is also encroaching upon the boundary of the beel

settled in favour of the petitioner, as a result of which the petitioner is suffering huge loss.

By filing this writ petition, the only and limited prayer of the petitioner is to let the respondent authorities finalise and demarcate the boundaries of the Leteri Beel which is settled in favour of the petitioner for proper operation of the Beel.

The learned counsel for the respondents submits that as the grievance of the petitioner is only with regard to the finalisation and demarcation of the boundary, the matter may be disposed of with a direction to the respondent authorities to finalise and demarcate the Leteri Beel settled in favour of the petitioner by stipulating a time for doing so.

In view of the above, submission made by the learned counsel for the parties, and as agreed upon by the parties at bar, this writ petition is disposed of with a direction to the respondent authorities, more particularly, the respondent Nos. 4 to 9 to finalise and demarcate the boundaries of the Leteri Beel which has been settled in favour of the petitioner within a period of 4 (four) weeks from the date of receipt of the certified copy of this order.

With the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant