

GAHC010294962023



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

Case No. : WP(C)/7607/2023

SUDHA DAS AND 2 ORS.
W/O LATE RAMESH CH. DAS
R/O KAMAKHYA GATE,
NURSERY
P.O. KAMAKHYA,
P.S. JALUKBARI
DIST. KAMRUP (M), ASSAM
PIN-781010

2: SRI INDRAJIT DAS
S/O LATE RAMESH CH. DAS
R/O KAMAKHYA GATE

NURSERY
P.O. KAMAKHYA

P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM
PIN-781010

3: SRI DEBABRATA DAS
S/O LATE RAMESH CH. DAS
R/O KAMAKHYA GATE

NURSERY
P.O. KAMAKHYA

P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM
PIN-78101

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
FOREST DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST

LOWER ASSAM ZONE

GUWAHATI-01.

3:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST

RESEARCH EDUCATION AND WORKING PLANS
ASSAM
PUNJABARI
GUWAHATI-37

4:THE DIVISIONAL FOREST OFFICER

KAMRUP EAST DIVISION

BASISTHA
GUWAHATI-29

5:THE COMMISSIONER AND SECRETARY

GOVT. OF ASSAM
REVENUE DEPARTMENT
DISPUR
GUWAHATI-06

6:THE DEPUTY COMMISSIONER (M)

ASSAM
GUWAHATI-01.

7:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE

KAMRUP (M)
GUWAHATI-01

Advocate for the Petitioner : MR G PATHAK,

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

20.11.2024

Heard Mr. G. Pathak, learned counsel for the petitioners. Also heard Mr. I. Borthakur, learned counsel for the respondent Nos. 1, 2, 3 and 4 and Ms. G. Hazarika for the respondent No.5 and Mr. H. Sharma, learned Addl. Senior Government Advocate for the respondent Nos. 6 and 7.

This writ petition is filed by the petitioners seeking a direction to the respondent authorities to accept a joint verification report submitted by the Forest Department and the Revenue Department and to consider the report of the Circle Officer dated 01.12.2016. From the joint verification report which is communicated to the Additional Deputy Commissioner and Chief Executive Officer of Disaster Management Branch, Kamrup, the concerned Circle Officer stated that the land measuring 13 Bigha, 3 Katha 9.85 Lecha of Gotanagar village under Dag No. 1253 KM Patta No. 744 recorded in the name of Smt. Sudha Das, Sri. Indrajit Das and Sri. Debabrata Das and land measuring 25 Bigha, 25 Katha in KM Patta No. 12 Dag No.30 of the said Mouza of Gotanagar village also recorded in the name of these three persons and the land is hilly and full of hilly trees and jungle. Map of the Gotanagar non pedestrian village is not available in the Office, therefore the exact location of the villages could not be shown. However, no steps have been taken by the concerned respondent authorities notwithstanding the finding that the land in question stood in the

name of the writ petitioner. Being thus situated, the petitioner filed necessary application before the Deputy Commissioner, Kamrup(M) seeking permission of earth cutting and dressing of the patta land. This application was thereafter forwarded to the Divisional Forest Officer with all encloses to requesting for inspection at the earliest.

This representation was originally filed on 18.06.2016 and the same was forwarded to the Divisional Forest Officer, Kamrup, East Division, Baisistha on 02.09.2016. Pursuant to that no communication has been received of the respondent Divisional Forest Officer.

The learned Standing Counsel submits that instructions are required as the matter pertains to the year 2016.

Considering the prayer of the writ petitioners that they have sought for a direction to the respondents to consider his application and also taking note of the fact that there is no submission on the part of the respondents to the contrary that such an application is not available in the record, this Court is of the view that the writ petition will not be kept pending and the consequently the same can be disposed with the direction to the respondent namely respondent No.4, Divisional Forest Officer to actively consider the representation filed by the petitioners and forwarded by the Office of the District Magistrate, Kamrup(M) on 29.06.2016 and thereupon passed order upon spot verification of the land in question. The Divisional Forest Officer will call for any such records as may be found necessary from the petitioners while disposing of the application.

The writ petition accordingly stands disposed of with a direction to consider and pass necessary orders within a period of 60 days from the date of receipt of the copy of this order. Any such order that is passed, copy thereof be

furnished to the writ petitioners.

JUDGE

Comparing Assistant