

GAHC020005042023

2024:GAU-NL:585



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

Case No. : WP(C)/167/2023

SHRI HONITO SHOHE
REPRESENTED BY SHRI. AKHALU ACHUMI
R/O SACHU COLONY
BLOCK NO.9
BEHIND SEWAK
DIMAPUR NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND
KOHIMA

2:THE DEPUTY COMMISSIONER
DIMAPUR NAGALAND

3:THE REVENUE-CUM-RESETTLEMENT OFFICER
OFFICE OF THE DEPUTY COMMISSIONER
DIMAPUR NAGALAND

4:THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHA IS OF INDIA
REPRESENTED BY SHRI. CHHBI NAYAK. C/O- THE REVENUE-CUM-
RESETTLEMENT OFFICER
OFFICE OF THE DEPUTY COMMISSIONER
DIMAPUR NAGALAND

Advocate for : IMTI LONGJEM
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 3 ORS

Linked Case : **I.A.(Civil)/116/2023**

THE NATIONAL SPIRITUAL ASSEMBLY OF THE
BAHAIS OF INDIA,
REPRESENTED BY SHRI CHHABI NAYAK,
R/O KATAKIPARA,
LOKHRA, GUWAHATI,
LALUNGAON, SAWKUCHI, KAMRUP METRO,
ASSAM 781040

VERSUS

SHRI HONITO SHOHE AND 3 ORS
REPRESENTED BY SHRI AKHALU ACHUMI,
R/O SACHU COLONY,
BLOCK NO.9, BEHIND SEWAK,
DIMAPUR, NAGALAND

2:THE STATE OF NAGALAND

REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

3:THE DEPUTY COMMISSIONER

DIMAPUR
NAGALAND

4:THE REVENUE-CUM-RESETTLEMENT OFFICER

OFFICE OF THE DEPUTY COMMISSIONER

DIMAPUR
NAGALAN

Advocate for the Petitioner : ASA RUTSA,

Advocate for the Respondent : ,

Date of Hearing and Judgment : **11.11.2024**

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

JUDGMENT & ORDER (ORAL)

Heard learned counsels for the parties.

2. This Writ Petition is directed against the Order No. REV-02/2018-D/5273-77 dated 11.08.2023 passed by the Revenue-cum-Resettlement Officer, Dimapur, Nagaland, whereby the petitioner was directed to dismantle the *kacha* house constructed by his Attorney holder Shri Akhalu Achumi, vacate the premises and hand over the said land to the respondent No. 4, namely National Spiritual Assembly of the Baha'is of India. The petitioner was directed to hand over the land free from all encumbrances within 14 (fourteen) days from the date of the receipt of the Order. This Court, by Order dated 22.08.2023 while issuing notice directed parties to maintain status-quo on the concerned land and further directed the respondent Nos. 2 and 3 not to take recourse to any action for cancellation of *Patta* No. 1683 *Dag* No. 19/1845 in Block No. 9, *Mouza* No. 2, measuring an area of 1 *Bigha* 2 *Kathas* 3 *Lechas*.

3. Learned counsel for the petitioner submits that the land has been in possession of the petitioner since 1989 and it was regularised in the year 2010, by the Deputy Commissioner, Dimapur by issuance of *Jamabandi/Patta* in favour of the petitioner. The land in question is covered by *Patta* No. 1683 *Dag* No. 19/1845 under Block No. 9, *Mouza* No.

2, Dimapur, measuring 1 *Bigha* 3 *Kathas*, which the petitioner claims had been under his possession since 1989 and which came to be regularized by the Deputy Commissioner, Dimapur by issuing of *Jamabandi/Patta*. It is submitted that while the petitioner was in peaceful possession of the said land, he appointed one Akhalu Achumi as his attorney as the petitioner originally belongs to Luthsumi Village in the district of Zunheboto in the state of Nagaland. It is the case of the petitioner that in the year 1989 the petitioner had cleared the jungle from the land in question and the said land was neither occupied nor was registered in the name of any person. At the relevant point in time an area near the concerned land in question was occupied by the GREF. The petitioner used to supply wood from the clearing of the jungle to the Assam Rifles Camp at 3rd Mile, Dimapur. As such, since 1989 the concerned land has been under the possession of the petitioner. The petitioner filed necessary applications for regularization and settlement before the Additional Deputy Commissioner, Dimapur, by Application dated 20.11.1992. Earlier, Dimapur was a sub-division and it came to be established as a District Headquarter only in 1997. In pursuance to the applications filed by the petitioner before Additional Deputy Commissioner for allotment of the land in question, the petitioner was informed by the Office of the Deputy Commissioner that there is a ban for allotment of land by the Government and the land therefore, could not be settled or regularized in his name till the ban is in force.

4. Subsequently, the petitioner renewed his prayer by filing separate applications. During the pendency of this application, the petitioner left Dimapur to return to his original village and put the land in the care of

one person, namely Shri Pandey, who the petitioner appointed as caretaker in respect of the said land. Subsequently, the petitioner was informed sometime in the year 2008 that the caretaker was chased away from the land by some unknown persons. Returning back to the said land he found that the land was surrounded by a boundary wall with a gate. Immediately thereafter, the petitioner pursued his claim for regularization of the land in his name. The Office of the Deputy Commissioner issued Order No. REV-17/90-D/11212-15, dated 08.03.2010 by which the land was regularized in the name of the petitioner by the Order passed by the Deputy Commissioner, Dimapur. Thereafter the *Jamabandi* was also issued in the name of the petitioner for the land measuring 1 *Bigha 3 Kathas* under *Patta* No. 1683, *Dag* No. 19/1845, Block No. 9 and *Mouza* No. 2. The petitioner also paid the necessary Land Revenue and a Certificate to that effect was also issued in favour of the petitioner. A non-encumbrance Certificate dated 25.08.2022 was also issued by the Deputy Commissioner, Dimapur in favour of the petitioner. Pursuant to the plot of land being regularized in the name of the petitioner, he permitted his attorney holder Shri Akhalu Achumi to construct a bamboo thatched house with a tin roof on the land. The said attorney holder Shri Achumi and his family are residing in the said thatched house in the said land. Thereafter, some time in the later part of the year 2022 some persons claiming to be representatives of respondent No. 4 came to the said land and accosted the attorney holder of the petitioner claiming that the land belongs to the respondent no. 4/organization. They alleged that the attorney holder had illegally encroached upon their land and consequently asked him to vacate their land immediately. They claimed that the land was purchased

from one Thekhruvilie Angami in the year 1997. Initially, a complaint was lodged by the representatives of respondent No. 4 before the Sachu Colony Council. Subsequently, the attorney holder of the petitioner was served with the Order no. REV-02/2018-D/9836-38 dated 28.11.2022 issued by the respondent No. 3. The said Order was passed by the Revenue-cum-Settlement Officer, Office of the Deputy Commissioner, Dimapur referring to a complaint filed by the respondent No. 4. The said Order restrained the attorney holder of the petitioner from carrying out any construction or developmental activities till the matter is settled by the Office. Summons were thereafter issued to the attorney holder of the petitioner and he appeared before the competent authority. It is submitted by the learned counsel for the petitioner that inspite of the requests made to the Office of the Revenue-cum-Settlement Officer a copy of the complaint was never served on the petitioner or his attorney holder. However, a gist of the argument made by the representatives of respondent No. 4 was served to the petitioner. During the pendency of the said complaint filed by the respondent No. 4 the petitioner also filed his complaint before the Revenue-cum-Settlement Officer, Office of the Deputy Commissioner, Dimapur by the complaint dated 10.04.2023. The complaint was lodged against the respondent No. 4 of illegally occupying his land which was allotted pursuant to Orders issued by the competent revenue authorities.

5. The matter was heard in the presence of both parties and a detailed order was issued by the Office of the Revenue-cum-Resettlement Officer, Dimapur, Nagaland. By the said order the petitioner was directed to dismantle the *kacha* house constructed by his attorney holder and vacate

the premises and hand over the said premises free from all encumbrances to the respondent No. 4.

6. Before this Court, learned counsel for the petitioner submits that a perusal of his Order reveals that the authority who has issued the order namely, the Revenue-cum-Resettlement Officer has exceeded his jurisdiction and decided upon the title of the petitioner *vis-a-viz* the claims made by the respondent No. 4. He submitted that the Revenue Officers have are not empowered under the relevant statutes governing revenue regulation and settlement to decide on any aspect of the right, title and interest over any land. He submits that from the tenor of this Order it is very clear that they rejected the claim of the petitioner holding that he has no title and right to possess the premises and decided the matter in favour of the respondent No. 4. He therefore, submits that the Revenue Authorities not being competent to decide on the right, title and interest of any person this Order is bad in law. The same should be set aside and quashed. He submits that since the Revenue Authorities are not vested by law to decide on the right, title and interest of any person, consequently, they cannot issue any orders directing the petitioner to be evicted from the said land without first a proper decision on the right, title and interest in respect of the petitioner *vis-a-viz* the respondent No. 4. Learned counsel appearing for the petitioner, referring to the authorities placed before the Court submits that the consistent view of this Court as well as the Apex Court is that it is the Civil Court which is the appropriate forum for a decision on the right, title and interest in respect of any claims over properties. He submits that the Assam Land Revenue Regulation, 1886 is being followed by the Government of Nagaland and is applicable to the

Dimapur *Mouza* in the district of Dimapur and the land in question falls within that *Mouza*. The learned counsel for the petitioner, therefore, submits that since the Order passed by the concerned Revenue Authorities is beyond the powers conferred under the Assam Revenue Regulation, 1886. It is submitted that the respondent No. 3 had arrived at this conclusion ignoring the Order issued by the Office of the Deputy Commissioner, Dimapur, vide Order No. REV-17/90-D/11212-15 dated 08.03.2010 by which the land covered by the *Patta* No. 1680 *Dag* No. 19/1845 in Block No. 9, *Mouza* No. 2, measuring an area of 1 *Bigha* 3 *Kathas* was regularized by the petitioner and on which he had been paying Land Revenue. The respondent No. 3 while issuing impugned order directing the petitioner to vacate the concerned land did not interfere or recall the earlier Order dated 08.03.2010 issued by the Deputy Commissioner, Dimapur, in his favour. It is submitted that the same could not have been done and the impugned Order could not have been issued during the currency of the Order dated 08.03.2010. Learned counsel, therefore, submits that the authorities have proceeded to decide on the right, title and interest which they are incompetent to do so, the impugned Order be interfered with, set aside and the petitioner be permitted to continue his peaceful possession on the said land without any interference by respondent No. 4 or any other authorities. Learned counsel, in support of his submissions has referred to the following judgments:-

(i) *Legal heirs of Late C. Das -vrs- Chairman, Assam Board, reported in 2012 (3) GLT 264*

(ii) Dayal Hari Paul –vrs- Pradip Kumar Lahkar, reported in 2006 (3) GLT 680

(iii) Phutovi Chishi –vrs- State of Nagaland and Ors. , reported in 2015 (1) GLT 392

(iv) State of Punjab –vrs- Bandeep Singh, reported in (2016) 1 SCC 724

8. The respondents are represented by the learned Government Advocate, Ms. A. Ayemi, appearing on behalf of respondent Nos. 1, 2 and 3 and have contested this case by filing their counter affidavit. Referring to the affidavit-in-opposition the respondents submit that on the basis of the complaints filed by the petitioner as well as by the respondent No. 4, the authorities proceeded to hear both the parties and examined the relevant records and that thereafter, passed the Order that is impugned in the writ petition. Learned Government Advocate submits that there is a categorical finding in the Order which is impugned, that the Order which the petitioner claims was issued regularizing the land in question cannot be traced in the Revenue Records available in the concerned Office. In fact, the concerned file cannot be traced in the Revenue Branch. Further, the issue No. of the Allotment Order No. REV-17/90-D/11212-15 dated 08.03.2010 also cannot be found in the Issue Register maintained for all Letters/Orders stated to be issued by the Office. The Report given by the District Land Records & Survey Officer (DLRSO), Dimapur, in his Verification Report for *Patta* No. 81 8 *Dag* No. 928, Block No. 9, *Mouza* No. 2 standing in the name of the respondent No. 4 stated in his Report that

the “*Ground position found tallied with the Revenue Record. This plot of land is outside ROW*”. The said Report further states that the *Patta* No. 1683 in respect of the writ petitioner is not found in the Re-Settlement *Chitha* Record. The learned Government Advocate submits that it is under these circumstances that the Order dated 11.08.2023 was passed and the petitioner not having been found in lawful possession was asked to dismantle the *kacha* house constructed by the attorney holder and hand over the premises free from all encumbrances to the respondent No. 4. The learned Government Advocate further submits that this Order was passed under the provisions of Section 145 of the CrPC as both parties had filed complaints and it was necessary to pass this Order to maintain peace and tranquillity.

8. Mr. C.T. Jamir, learned Senior Counsel assisted by Mr. I. Imchen, learned counsel representing respondent No. 4 also strongly disputes the submissions of the learned counsel for the petitioner. He submits that the respondent No. 4 has also filed an affidavit contesting the claims made by the petitioner. It is submitted that the land has been lawfully settled in the name of the respondent No. 4 and the respondent No. 4 took steps to barricade the said property by constructing a boundary wall with a gate. However, the respondent No. 4 being a spiritual organization does not conduct its activities on a day to day basis on the said plot of land. As and when required members of the respondent No. 4 gather together and conduct the proceedings as required in furtherance of their spiritual pursuit on the said plot of land. Taking advantage of this situation, the petitioner usurped on the land and illegally constructed the tin house as opposed to the claims made by the petitioner of construction of a

thatched house and thereby, they were trying to project that the land in question was in their possession since long. Learned senior counsel has also submitted that there is no dispute that the land is barricaded by boundary wall with a gate and which the petitioner does not claim that he has constructed the same. He, therefore, submits that since the petitioner and his power of attorney holder did not hand over the land in question free from all encumbrances they filed a complaint before the Deputy Commissioner, Dimapur, to take necessary steps in removing the encroacher, namely the writ petitioner. Learned senior counsel also submits that the respondent No. 4 has been regularly paying Land Revenue and has paid Land Revenue till 2023. Under such circumstances, upon notice being served on the petitioner and his representatives the matter was heard in the presence of all the affected parties. The relevant Records were duly examined by the Revenue Officer and thereafter, the Order dated 11.08.2023 was issued directing the petitioner to vacate the premises, dismantle the house and hand over the peaceful possession of land free from all encumbrances. It is submitted that there is no infirmity in the Order as there is a categorical finding in the Order itself that the documents pertaining to the Settlement Orders stated to be in favour of the petitioner relied upon by the petitioner before the Revenue-cum-Settlement Officer are not accepted by the Revenue Officer as the concerned file in which the said Orders were stated to have been issued, could not be traced in the Revenue Office. The senior counsel refers to the averments made in the affidavit filed by the State Government as well as to the Order impugned that the Revenue Authorities have held that the Order placed by the petitioner in support of his settlement appears to be

forged. Learned senior counsel vehemently argues that if the petitioner is confident of his title over the said land he should approach the appropriate Civil Court to ventilate his grievance. Until such steps are taken by the petitioner, there is no infirmity in the Order impugned in the said writ petition issued by the Revenue Authorities. Learned senior counsel, therefore, submits that there is no merit in the writ petition and the same should be dismissed and the impugned Order should be allowed to stand.

9. Learned counsel for the parties have been heard.

10. Pursuant to the Order dated 22.08.2023, whereby a status-quo Order was granted, the respondent No. 4 filed an I.A., being I.A. (Civil)/116/2023, seeking vacation, alteration and modification of the Order dated 22.08.2023, passed by this Court by issuing notice. In terms of the Orders passed by the Court, this vacating petition was directed to be taken up together with the present application and the matter is required to be heard. Accordingly, the I.A.(Civil)/116/2023 is also taken up together with the writ petition.

11. A careful perusal of the Order dated 11.08.2023, issued by the Revenue-cum-Settlement Officer, Dimapur, as well as the individual complaints filed by the petitioner as well as by respondent No. 4 reveals that the complaints are not with regard to the decision on the respective right, title and interest of the petitioner or the respondent No. 4. The complaint filed by the petitioner before the Deputy Commissioner was to depute necessary Survey Officials to verify the land in question alongwith

the parties concerned, ascertain the *Dags*, tally the documents with the *Chitha* record of both the parties. Whereas the complaint filed by the respondent No. 4, dated 10.10.2022 requested the authority to stop the encroachment by the petitioner and vacate the illegal occupation by the petitioner in the said land by verification and demarcation on the basis of the said verification conducted by Officials deputed by the Office of the Deputy Commissioner, Dimapur, Nagaland, and upon examination of the relevant Revenue Records and also upon hearing the parties, the Revenue-cum-Settlement Officer, Dimapur, Nagaland, by the Order dated 11.08.2023 allowed the complaint made by the respondent No. 4 and directed the petitioner to vacate the premises and hand over peaceful possession free from all encumbrances to the respondent No. 4. The findings and conclusions of the Revenue-cum-Settlement Officer and the directions are extracted below:-

“After considering the above facts and findings, I am of the opinion that;

- 1. The Sale deed, Mutation Order and Patta of the Complainant are executed and issued as per prescribed procedures.*
- 2. The location of the patta produced by the Complainant is tallying with the revenue records.*
- 3. The allotment Order produced by the respondent is not found in the Revenue records and the allotment Order issue number is not recorded in the issue register indicating that the allotment Order is not issued by the competent Authority. Further, the allotment Order produced by the respondent is issued without the approval of Government while the allotment ban is in force. The*

allotment Order and patta does not conform to the standing Order issued by the Government on land allotment and is therefore liable to be cancelled.

4. On the basis of illegal land allotment order and patta, the respondent is occupying a land belonging to the National Spiritual Assembly of the Baha'is of India which needs to be vacated and handed over to National Spiritual Assembly of the Baha'is of India.

5. The constructed katcha house has come up within the compound of land under National Spiritual Assembly of the Baha'is of India patta land.

In view of the above, Shri Honito Shohe and his attorney holder Shri Akhalu Achumi, are found to have been in illegal possession and had forcefully and wrongfully disposed National Spiritual Assembly of the Baha'is of India under Dag No. 928, measuring an area of 01B-03K-02L, Block-09, Dimapur Mouza-02.

Therefore, it is declared that National Spiritual Assembly of the Baha'is of India is entitled to possession of the aforementioned land until evicted therefrom in due course of law and forbidding all disturbance of such possession until eviction.

Further, Shri Honito Shohe, is directed to;

(i) dismantle the katcha house constructed by his attorney holder shri akhalu achumi, as the same is within the compound of national spiritual assembly of the baha'is of india.

(ii) vacate the premises and

(iii) hand over the said land to the national spiritual assembly of the baha'is of india.

Shri Honito Shohe and his attorney Shri Akhalu Achumi, shall hand over the said land into the peaceful possession of the National Spiritual Assembly of the Baha'is of India free from all encumbrances within 14 days from the date of receipt of this Order.

In the meantime, this Office shall proceed for cancellation of the allotment order issued to Shri Honito Shohe before the competent authority."

12. A careful perusal of the Order reflects that there is a finding by the Revenue Authorities that the Allotment Order in favour of the petitioner cannot be traced to the concerned Revenue Record as the same is not available in the Office. The Authorities fairly categorically held that even the Issue Register does not contain any particulars regarding the date and the issue number of the Mutation Order stated to have been issued in favour of the petitioner. In so far as the stand of the respondent Government Department is concerned, this Order was passed under Section 145 of the CrPC. However, perusal of the Section reveals that the Orders under 145 CrPC are required to be passed by Executive Manager concerning any dispute over land or water when it is likely to cause a breach of peace. The respondents have not placed any material to show that the Revenue-cum-Resettlement Officer is also vested with the powers of an Executive Magistrate competent to pass Orders under Section 145 CrPC. The specific power available under Section 145 CrPC is to provide maintenance of peace and to ensure that there is no breach of peace in respect of any dispute concerning land or water. Whether the penultimate directions in the Order dated 11.08.2023, passed by the Revenue-cum-Settlement Officer requiring the petitioner to dismantle the house and hand over peaceful possession free from all encumbrances could have

been issued by an Executive Magistrate under Section 145 is an issue which need not detain this Court at this stage. The reason being that even assuming that the Revenue-cum-Settlement Officer was not a competent Magistrate to pass Orders under Section 145 CrPC in the absence of any such Orders being issued in favour of the Revenue-cum-Settlement Officer, Dimapur, by a competent authority; the fact remains that there is no dispute that the Assam Land Revenue Regulation, 1886 has been adopted by the State of Nagaland and is therefore, is applicable to the Dimapur *Mouza* and the Dimapur Town within the district of Dimapur. Regulation 165 provides for ejectment and vacation of a person who without valid authority encroaches upon or occupy any land. The Revenue Authorities are empowered to declare that persons other than settlement holders or members of their family and hired servants are alone entitled to remain in lands which are duly settled. Any person who is not conferred any settlement and found in such settlements are liable to be ejected forthwith.

13. In view of such clear provision under the Assam Land Revenue Regulation, 1886 there is no dispute that the Revenue-cum-Re-settlement Officer under the Deputy Commissioner, Dimapur, is empowered unless shown otherwise, to pass orders under Regulation 165.

14. No contentions are made on the part of the petitioner to submit that the Revenue-cum-Resettlement Officer is not a Revenue Officer empowered under Assam Land Revenue Regulation, 1886. Under such circumstances it is to be held that Revenue-cum-Resettlement Officer is a Revenue Officer under the Office of the Deputy Commissioner, Dimapur

and is otherwise competent to pass any Orders as found necessary under the provisions of Assam Land Revenue Regulation, 1886. Under such circumstances, prima facie this Court does not find any irregularity in the Order dated 11.08.2023 passed by the authorities. It has to be held that the authority which had passed the Order impugned is competent under Assam Land Revenue Regulation, 1886 to pass the Orders and the directions contained therein. However, what is a matter of concern is that notwithstanding the finding that the Revenue Records connected to the Settlement Orders stated to have been issued to the petitioner was not traced or that the Issue Register did not contain the Order dated 08.03.2010 issued by the then Deputy Commissioner, no steps seems to have been taken by the Revenue Authorities to conduct a proper enquiry to find out and to retrieve the Revenue File which is stated to not have been available or traced in the Revenue Department or take consequential action as per provisions of law. Under such circumstances, the question whether the Settlement Order is indeed a forged Order is to be decided as from the Order dated 11.08.2023, passed by the Revenue-cum-Settlement Officer it cannot be said that there is a clear finding that the Settlement Order dated 08.03.2010 is a forged Order. Under such circumstances, the question of right, title and interest of both parties can only be decided by a Civil Court of competent jurisdiction. The Judgments pressed into service by the petitioner on this aspect are well accepted and on which principle there can be no quarrel.

15. Under such circumstances, this Court is of the view that this Order impugned in the present writ petition does not call for any interference at this stage. However, taking note of the findings made by the Revenue

Authorities in the Order impugned, Order dated 11.08.2023 that the connected Revenue Record has not been traced in the Office or that the Issue Register does not contain any entry regarding the issuance of any Settlement Order and further no enquiry attempt has been made or has been shown to have been made by the Department in this regard, the question of whether the documents of the writ petition are found to be forged is left to be answered by competent Civil Court. The question of right, title and interest of the writ petitioner either by way of any title deeds executed or settlement orders issued by the Revenue Department or by way of adverse possession is required to be decided by the Civil Court of competent jurisdiction which the petitioner may approach, if so advised. The Judgments referred to in support of the arguments of the learned counsel for the petitioner that it is only a competent Civil Court which can decide on the right, title and interest, as there is no quarrel with this proposition of law and also in view of the conclusion arrived at by this Court that the question of right, title and interest is to be ultimately decided by Court of competent civil jurisdiction, these judgments pressed into service are not discussed at this stage.

16. However, having said that without interfering with the Order dated 11.08.2023 and taking note of the submissions made by the learned counsel for the petitioner that the petitioner, if so advised, may approach competent Civil Court, it is directed that both the parties maintain the status-quo as directed by this Court earlier by Order dated 22.08.2023, more particularly, in respect of the penultimate directions contained in the Order dated 11.08.2023, namely in respect of dismantling of the *kacha* house and handing over possession of land to the respondent No. 4 for a

period of 45 (forty-five) days from today. The interim order will continue till 45 (forty-five) days from today upon expiry of which it will stand vacated without any further reference to this Court. It is open to the competent Civil Court as and when the petitioner approaches to pass adequate interim orders if the Court deems it appropriate. The findings, if any, with regard to the right, title and interest of the petitioner arrived at by the Revenue-cum-Resettlement Officer passed in the Order impugned in the writ petition dated 11.08.2023, will not influence the Civil Court of competent jurisdiction to decide the matter in accordance with law.

17. Writ petition disposed of in terms of the above. I.A.(Civil)/116/2023 is also accordingly disposed of in terms of this Order.

18. No Order as to cost.

JUDGE

Comparing Assistant