GAHC010170982020

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

Case No. : WP(C)/5138/2020

PUB DERGAON KRISHNARAM ADARSHA HIGH SCHOOL
FETAGAON, REP. BY ITS HEADMASTER, VILL- FETAGAON, P.O. DERGAON, DST.- GOLAGHAT, ASSAM, PIN- 785614

VERSUS

THE STATE OF ASSAM AND 12 ORS
THROUGH THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE REFORM AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
GOLAGHAT
P.O. AND P.S. GOLAGHAT
DIST.- GOLAGHAT
ASSAM

3:THE CIRCLE OFFICER
DERGAON REVENUE CIRCLE
P.O. AND P.S.- DERGAON
DIST.- GOLAGHAT
ASSAM

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
EDUCATION (SECONDARY) DEPTT.
DISPUR
GHY-6

5:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

6:THE INSPECTOR OF SCHOOLS
GOLAGHAT DISTRICT CIRCLE
GOLAGHAT
P.O.
P.S. AND DIST.- GOLAGHAT
ASSAM

7:THE SUPERINTENDENT OF POLICE
GOLAGHAT
P.O. AND P.S. GOLAGHAT
DIST.- GOLAGHAT
ASSAM

8:THE OFFICER-IN-CHARGE
DERGAON P.S.
P.O. AND P.S. DERGAON
DIST.- GOLAGHAT
ASSAM

9:PONA BORA @ PONA KALITA
S/O- LT. MOINA BORA @ MOINA KALITA
VILL AND P.O. FETAGAON
P.S. DERGAON
DIST.- GOOLAGHAT
ASSAM
PIN- 785614

10:SARULORA BORA @ SARULORA KALITA
S/O- LT. MOINA BORA @ MOINA KALITA
VILL AND P.O. FETAGAON
P.S. DERGAON
DIST.- GOOLAGHAT
ASSAM
PIN- 785614

11:KUSHAL BORA
S/O- LT. MOINA BORA @ MOINA KALITA
VILL AND P.O. FETAGAON
P.S. DERGAON
DIST.- GOOLAGHAT
ASSAM
PIN- 785614

12:BABUL BORA
S/O- LT. INDESWAR BORA
VILL AND P.O. FETAGAON
P.S. DERGAON
DIST.- GOOLAGHAT

ASSAM
PIN- 785614

13:RATUL BORA
S/O- LT. INDESWAR BORA
VILL AND P.O. FETAGAON
P.S. DERGAON
DIST.- GOOLAGHAT
ASSAM
PIN- 78561

Advocate for the Petitioner : MR. I H SAIKIA
Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 17-12-2020

Heard Mr. I.H. Saikia, learned counsel for the writ petitioner.

The writ petitioner is a High School located at Fategaon in the district of Golaghat. The school is running over a land provided by the donor, *viz.* Kolai Bora. Alleging that the respondent Nos. 9 to 12 being the heirs of the donor have illegally trespassed into a portion of the land and erected bamboo fencing thereby locked the path to the toilet, the present petition has been filed *inter-alia* contending that although the Head Master had informed the authorities about the encroachment of land, no action has been taken in the matter till today.

Mr. Saikia submits that his client is seeking demarcation of the land through the intervention of the Circle Officer.

Ms. K. Phukan, learned Govt. Advocate has obtained the written instruction from the

Circle Officer, Dergaon Revenue Circle, i.e. the respondent No. 3.

A perusal of the written instruction dated 16-12-2020 *prima facie* indicates that the petitioner is not in possession of the entire land, which was originally mutated in its name. Although this Court is of the opinion that the matter actually pertains to a civil dispute concerning a plot of land, yet, since the petitioner is merely seeking demarcation of the land, I am of the view that this writ petition can be disposed of at the stage of motion hearing by granting leave to the petitioner to make a proper application before the respondent No. 3 praying for demarcation of the land.

Ordered accordingly.

If such an application is filed within 03 weeks from today accompanied by a certified copy of this order, the matter may be looked into and appropriate action, as may be permissible under the law, be taken by the respondent No. 3 after verifying the documents connected with the land.

The said exercise be carried out and completed as expeditiously as possible, preferably within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

JUDGE

GS

Comparing Assistant