

GAHC010007012016



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

**Case No. : WP(C)/393/2016**

GOPAL KRISHNA TEA COMPANY PVT. LTD.  
A REGD. COMPANY HAVING ITS REGD. OFFICE AT MARWARI PATTY,  
JORHAT, P.O. and P.S. and DIST- JORHAT, ASSAM, AND HAVING ITS TEA  
ESTATE AT P.O. KILLING VALLEY, DIST- MORIGAON, ASSAM, PIN-782413  
AND IS REP. BY ITS GENERAL MANAGER AND AUTHORISED  
REPRESENTATIVE, SHRI RAHUL SRIVASTAVA

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
REVENUE AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-19,  
ASSAM

2:THE SECY. TO THE GOVT. OF ASSAM  
REVENUE L.R. DM DEPTT.  
DISPUR  
GHY-6  
ASSAM

3:THE DY. SECY. TO THE GOVT. OF ASSAM  
REVENUE and MD LR DEPTT.  
DISPUR  
GHY-6  
ASSAM

4:THE DY. COMMISSIONER  
MORIGAON  
ASSAM  
PIN-782413

5:THE ADDL. DY. COMMISSIONER  
MORIGAON

ASSAM  
PIN-782413

6:THE CIRCLE OFFICER  
MAYONG REVENUE CIRCLE  
MORIGAON  
ASSAM  
PIN-78241

**Advocate for the Petitioner** : MR. G N SAHEWALLA  
**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**16-05-2023**

Heard Mr. G. N. Sahewalla, learned Senior Counsel assisted by Mr. A. Chetia, learned counsel for the petitioner; Mr. J. Handique, learned Standing Counsel, Revenue Department for the respondent nos. 1, 2 & 3; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 4, 5 & 6.

2. A few plots of land measuring 93 Bighas 2 Kathas 8 Lessas in total, were made Sarkari by the Settlement Officer, Nagaon by an Order no. 6309/1970 dated 19.11.1970. The details of the said plots of land measuring 93 Bighas 2 Kathas 8 Lessas declared Sarkari Land by the said Order are under NRL Grant no. 102/36 and the same are as under:-

1. Dag No. 160	...	3 B-	1K	...	18 Ls
2. Dag No. 161	...	39 B-	4K	...	5 Ls
3. Dag No. 158	...	30 B-	3K	...	15 Ls
4. Dag No. 190	...	9 B-	4K	...	18 Ls
5. Dag No. 186	...	4 B-	3K	...	12 Ls
6. Dag No. 264	...	4 B-	4K	...	0 Ls

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93 Bighas-2 Kathas-8 Lechas

3. The case projected by the petitioner is that they were the previous owner of the afore-mentioned plots of land measuring 93 Bigha 2 Katha 8 Lessas made Sarkari in the year 1970 and it is contended that the Settlement Officer, Nagaon had arbitrarily passed the Order no. 6309/1970. In the paragraph-6 of the affidavit-in-opposition of the respondent no. 4, it is mentioned that the respondent no. 4 had received a proposal from M/s Gopal Krishna Tea Estate vide its letter dated 02.12.2015 whereby M/s Gopal Krishna Tea Estate offered alternative Tea Estate land in place of Government land as the Government land is in the midst of the tea garden, most of which is under tea plantation.

3.1 The respondent no. 4 had thereafter, served a letter upon the petitioner i.e. M/s Gopal Krishna Tea Estate on 15.12.2015 [Annexure-VII to the writ petition] whereby it was informed that the areas of land under encroachment in the Table mentioned therein would be cleared on 23.12.2015. The Table indicates as under:-

Mouza	Rev. Village	Patta No.	Dag No.	Area(B-K-L)
Govt.	Kuthari Bagicha	Govt. Land	190	9-4-18
do	do	do	187	10-0-05
do	do	do	186	4-3-12
do	do	do	168	3-1-18
do	do	do	161	39-4-05
do	do	do	158	30-3-15
do	do	do	264	4-4-00
<b>Total</b>				<b>103-2-13</b>

4. Learned counsel for the parties shall apprise this Court as to whether the petitioner i.e. M/s Gopal Krishna Tea Estate was the previous owner of the areas of land measuring 93 Bighas 2 Kathas 8 Lessas prior to 19.11.1970. The parties are at liberty to bring such supporting documents by way of an additional pleadings, if so advised. The parties shall also produce a copy of the letter dated 02.12.2015 submitted by the petitioner before the respondent no. 4.

List the case after 3 [three] weeks.

**JUDGE**

**Comparing Assistant**