

GAHC010019332016



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

Case No. : WP(C)/3875/2016

ABDUL MOTIN PRODHANI and 11 ORS.

S/O. LT. KOBAD HUSSAIN PRODHANI, FATHER OF KHOIMUDDIN
PRODHANI.

2: SMTI. MEHBUBA BEGUM

D/O LT. MAHBUBAR RAHMAN PRODHANI GRAND FATEHR OF LT. KOBAD
HUSSAIN PRODHANI

3: SMTI. MUSFIKA BEGUM

D/OLT. MAHBUBAR RAHMAN PRODHANI GRAND FATHER OF LT. KOBAD
HUSSAIN PRODHANI

4: FULBOR SK.

S/O FOZLU SK. GRAND MOTHER OF LT. KHOIFUL BEWA

5: AMZALU SK.

S/O LT. GHOTABUDDIN SK. M/O LEGAL HEIR LT. KHOIFUL BEWA

6: ZAHIRUL HOQUE

S/OLT. GHOTABUDDIN SK. M/O LEGAL HEIR LT. KHOIFUL BEWA

7: ZAMILA BIBI

D/O LT. GHOTABUDDIN SK. M/O LEGAL HEIR LT. KHOIFUL BEWA

8: MONOWAR AHMED

D/O LT. GHOTABUDDIN SK. M/O LEGAL HEIR LT. KHOIFUL BEWA

9: PARVEZ ISLAM

S/O REZAUL ISLAM M/O LT. ANOWARA BEGUM GRAND MOTHER OF LT.
KHOIFUL BEWA

10: SMTI. SHABANA SHABNAM ISLAM

D/O REZAUL ISLAM M/O LT. ANOWARA BEGUM GRAND MOTHER OF LT.
KHOIFUL BEWA

11: SMTI. ROBINA SHABNAM ISLAM
D/O REZAUL ISLAM M/O LT. ANOWARA BEGUM GRAND MOTHER OF LT.
KHOIFUL BEWA

12: ZAMELA BIBI
M/O LEGAL HEIR LT. KHOIFUL BEWA
D/O LT. GHOTABUDDIN SK. W/O ABU BOKKAR MONDAL
VILL- HALLIDAGANJ
P.S. PHULBARI DIST. WEST GARO HILLS
MEGHALAYA
SL. NOS. 1

2 AND 3 ARE RESIDENT OF VILL- HATSINGIMARI

P.O. HATSINGIMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
HATSINGIMARI

ASSAM SL. NOS. 4 TO 8 ARE OF VILL and P.S. FEKAMARI
P.S. SOUTH SALMARA DIST. SOUTH SALMARA MANKACHAR
HATSINGIMARI

ASSAM. SL.NOS. 9 TO 11 ARE OF VILL - MANKACHAR
P.O. and P.S. MANKACHAR DIST. SOUTH SALMARA MANKACHAR
HATSINGIMARI

ASSAM. ALL THE ABOVE ARE REP. BY THE POWER OF ATTORNEY
NAMELY HAFIZUR RAHMAN PRODHANI S/O LT. MAHBUBAR RAHMAN
PRODHANI

VILL and P.O. HATSINGIMARI
P.S. SOUTH SALMARA DIST. SOUTH SALMARA MANKACHAR
HATSINGIMARI
ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, REVENUE
REFORMS DEPTT., DISPUR, GHY.-781006.

2:THE DIRECRTOR OF LAND and REVENUE DEPARTMENT

ASSAM
RUPNAGAR
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER
DHUBRI
P.S. and DIST. DHUBRI
ASSAM.

4:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
ASSAM
PIN - 783135.

5:THE SETTLEMENT OFFICER
DHUBRI
ASSAM.

6:THE COMPENSATION OFFICER

DHUBRI
DIST.DHUBRI
ASSAM.

7:THE S.D.O. CIVIL
SOUTH SALMARA
MANKACHAR- SUB-DIVISION
HATSINGIMARI
DIST. SOUTH SALMARA
MANKACHAR
ASSAM
PIN - 783135.

8:THE SUB-REGISTRAR

HATSINGIMARI
DIST. SOUTH SALMARA
MANKACHAR
HATSINGIMARI
ASSAM
PIN - 783135.

9:THE ASSISTANT SETTLEMENT OFFICER

SOUTH SALMARA
MANKACHAR
HATSINGIMARI
P.O. HATSINGIMARI
DIST. SOUTH SALMARA
MANKACHAR
HATSINGIMARI
ASSAM
PIN - 783135

Advocate for the Petitioner : MR.Z HUSSAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 10.04.2023

Heard Mr. Z. Hussain, learned counsel for the petitioners and Mr. R. Borpujari, learned counsel for the Revenue Department.

The petitioners' case is that the petitioners are the descendants of late Khoimuddin Prodhani, late Kobad Hussain Prodhani and late Khoiful Bewa, who were the owners of land measuring 1098 bighas, 1 katha, 16 lechas covered by two different Dags.

The petitioners' grievance is that while the land of the petitioners have been acquired in the year 1967 under the Assam State Acquisition of Zamindaries Act, 1951, no compensation for the same has been given to the petitioners or their father/grandfather mentioned above. The petitioners have relied upon the Letter dated 20.02.2019 issued by the office of the Deputy Commissioner, South Salmara Mankachar to show that assessment for payment of compensation for acquisition of land had been made in respect of Hatsingimari, Bhimapara and Fulerchar Pt. II, which is reflected in Annexure-A of the additional affidavit filed by the petitioners on 01.06.2022.

On the other hand, Mr. R. Borpujari, learned counsel for the Revenue Department submits that the Letter dated 20.02.2019 issued by the office of the Deputy Commissioner, South Salmara Mankachar has not been accepted by the

Government, vide Letter No. RRQ.1/2021/69 dated 30.03.2021 issued by the Deputy Secretary to the Government of Assam, Revenue & D.M (Reform) Department.

On perusing the writ petition, the petitioners would have to justify as to why the petitioners have approached this Court in the year 2016, while the land had been allegedly acquired in the year 1967, i.e. after 49 years. The petitioners will also have to give the dates of death of the late Khoimuddin Prodhani, late Kobad Hussain Prodhani and late Khoiful Bewa and explain why the above deceased persons have not made any claim for payment of compensation for their alleged acquired lands earlier.

The affidavit made by one Hafizur Rahman Prodhani, who has been given the Power of Attorney by the petitioners shows that he is not one of the writ petitioners. There is nothing to show the dates of births of the writ petitioners and their relationship with the above 3 (three) persons. The above clarification is required to be made. The same would however not take away the fact that the maintainability of the writ petition due to delay and laches will also have to be decided.

List the matter **after 3 (three) weeks** to enable the petitioners to file an additional affidavit. The petitioners should also bring on record the next of kin certificates to show that they are the kin of the above 3 (three) persons.

JUDGE

Comparing Assistant