

GAHC010020872024



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

Case No. : WP(C)/527/2024

MD. MOFIQUDDIN HAZARIKA AND ANR
SON OF LATE SUNTI HAZARIKA,
R/O- VILLAGE- JENGNIKATIA,
MOUZA- NAGAR MAHAL,
P.O. AND P.S.- SIVASAGAR,
DISTRICT- SIVASAGAR, ASSAM,
PIN- 785640.

2: MD. TAFIQUDDIN HAZARIKA
SON OF LATE SUNTI HAZARIKA

R/O- VILLAGE- JENGNIKATIA

MOUZA- NAGAR MAHAL

P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
LAND AND REVENUE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
ULUBARI
GUWAHATI- 781007

KAMRUP(M).

3:THE DEPUTY COMMISSIONER
SIVASAGAR
P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640.

4:THE CIRCLE OFFICER
SIVASAGAR REVENUE CIRCLE
P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640

Advocate for the Petitioner : MR N N UPADHYAYA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

05.02.2024

Heard Mr. N.N. Upadhyaya, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent nos. 1 & 2; Ms. S. Sarma, learned Junior Government Advocate, Assam for the respondent nos. 3 & 4.

The petitioners have claimed that they are legal heirs of one Late Sunti Hazarika and are in occupation of a plot of land, measuring 1 Bigha 4 Kathas, covered by Dag no. 216 & Annual Patta no. 17, situate at Revenue Village – Jengnikati, Mouza – Nagar Mahal, District – Sivasagar, Assam [‘the subject-plot’, for short]. The further case of the petitioners is that on 29.07.2013, the petitioners submitted an application before the respondent no. 4 seeking conversion of the status of the subject-plot from Annual Patta Land to Periodic Patta Land. On

the basis of the said application, a case, Myadi Case no. 23/2013-2014 has been registered. The grievance of the petitioners is that though proceedings have been initiated as far back as in the year 2013/2014 for the purpose of conversion of the status of the subject-plot from Annual Patta Land to Periodic Patta Land, the proceedings have not been concluded till date despite elapse of about 10 [ten] years. Aggrieved by non-conclusion of the proceedings of Myadi Case no. 23/2013-2014, the petitioners are before this Court.

Issue notice, returnable in 4 [four] weeks.

As Ms. Bordoloi, learned Standing Counsel, Revenue Department 4 has appeared and accepted notices on behalf for the respondent nos. 1 & 2 and Ms. Sarma, learned Junior Government Advocate, Assam has appeared and accepted notices on behalf for the respondent nos. 3 & 4, no formal notice need to be issued to the respondents. Mr. Upadhyaya shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Ms. Bordoloi and Ms. Sarma within 2 [two] working days from today.

List the case after 4 [four] weeks.

The learned State Counsel on the next date of listing, shall produce the instructions issued by the State Government as regards conversion of Annual Lease into Periodic Lease.

JUDGE

Comparing Assistant