

GAHC010021132019



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

Case No. : WP(C)/723/2019

MONMOTH KUMAR PAUL AND 6 ORS.

S/O. LT. CHITTA RANJAN PAUL, R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR), P.O. BAZARICHERRA-788723, DIST. KARIMGANJ, ASSAM.

2: SUROTH KUMAR PAUL

S/O. LT. CHITTA RANJAN PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ
ASSAM.

3: PROMOTH KUMAR PAUL

S/O. LT. CHITTA RANJAN PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ
ASSAM.

4: PANNALAL PAUL

S/O. LT. MANIK CHANDRA PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ
ASSAM.

5: SANJIT KUMAR PAUL

S/O. LT. SUNIL CHANDRA PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ

ASSAM.

6: INDRAJEET KUMAR PAUL

S/O. LT. SUNIL CHANDRA PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ
ASSAM.

7: RANJIT KUMAR PAUL

S/O. LT. SUNIL CHANDRA PAUL
R/O. VILL. MAKUNDARBOND (PRESENTLY SRINAGAR)
P.O. BAZARICHERRA-788723
DIST. KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE
DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE (SETTLEMENT) DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019
ASSAM.

4:THE DY. COMMISSIONER

KARIMGANJ DISTRICT
P.O. KARIMGANJ-788710
ASSAM.

5:THE CIRCLE OFFICER

PATHARKANDI REVENUE CIRCLE
P.O. PATHARKANDI-7886724
DIST. KARIMGANJ

ASSAM.

6:BAPTIST MID-MISSION TRUSTEES INDIA
A REGISTERED SOCIETY HAVING ITS REGISTERED OFFICE AT SILCHAR-
788001
DIST- CACHAR
ASSAM ALONG WITH ITS OFFICE AT PATHARKANDI
DISTRICT - KARIMGANJ

Advocate for the Petitioner : MR. N DHAR, MS. S D GUPTA,MR. S K CHAKRABORTY,MR. P K ROY,MS. S DASGUPTA,MR. S P CHOUDHURY,MR. T U LASKAR,MS. S DASGUPTA,MRS. U BARUAH

Advocate for the Respondent : GA, ASSAM, SC, REVENUE,SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.08.2024

Heard Mr. P.K. Roy, learned senior counsel assisted by Ms. S. Dasgupta, learned counsel appearing for the petitioners. Also heard Mr. R. Borpujari, learned standing counsel appearing for the Revenue Department.

Mr. P.K. Roy, learned senior counsel has submitted that in terms of the provision of Section 15 of the Assam State Acquisition of Lands Belonging to Religious Or Charitable Institution of Public Nature Act, 1959 (in short, “Act of 1959”), the petitioners herein being occupancy tenant, under the religious Institutions, land of which was so acquired by the Government under the Provision of the said Act of 1959, the land in the holding of each of the petitioners, ought to be settled with them either as a land holder or as settlement holder in view of the provision of Section 15(a) of the Act of 1959.

Per-contra, Mr. R. Borpujari, learned standing counsel, Revenue submits that the right as contended to be flowing to the petitioners in terms of the Provision of Section 15(a) is to be so applied after reckoning the proviso to Section 15 of the Act of 1959.

It is his contention that the transfer of the right over the land of the religious Institution to an occupancy tenant shall be so liable to be transferred only in respect of such occupancy tenant, who belong to the same religion as that of the Institution, in which the ownership of the land was so vested on the date of notification under Section 3 of the Act of 1959.

The parties for the purpose have already taken this Court to the provision of the Assam Land and Revenue Regulation, 1886 and other connected Acts.

As prayed for by the learned counsel for the parties, Registry to list this matter again on 03.09.2024 for further hearing.

On the next date of listing, the learned counsel for the parties shall place the decisions relevant to the matter for a proper appreciation of the purport of the proviso to Section 15 of the Act of 1959.

JUDGE

Comparing Assistant