

GAHC010022882016



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

**Case No. : WP(C) 4898/2016**

1:SANTONU SAIKIA and ANR.  
S/O LT. DURGESWAR SAIKIA, R/O GORAMUR DULIA GAON, P.O. J.E.C., P.S.  
and DIST- JORHAT, ASSAM, PIN-785007

2: MOHROM AL  
S/O MD. JUMON ALI  
R/O MELENG TEA ESTATE HINDUBARI  
P.O. MELENG GRANT  
P.S. TEOK  
DIST- JORHAT  
ASSAM  
PIN-78563

VERSUS

1:THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
REVENUE SETTLEMENT DEPTT., DISPUR, GHY-6

2:THE COMMISSIONER  
UPPER ASSAM DIVISION  
JORHAT  
ASSAM

3:THE DY. COMMISSIONER  
JORHAT CUM DISTRICT MAGISTRATE  
JORHAT

4:THE ADDL. DY. COMMISSIONER REVENUE  
JORHAT

5:THE CIRCLE OFFICER  
TEOK REVENUE CIRCLE  
DIST- JORHAT, ASSAM

**Advocate for the Petitioner** : MR.T J MAHANTA

**Advocate for the Respondent** :

**BEFORE**  
**HON BLE MR. JUSTICE PRASANTA KUMAR DEKA**

**ORDER**

**Date : 13-02-2018**

Heard Mr. T.J.Mahanta, learned Senior Counsel assisted by Mr. D.Mahanta, learned counsel appearing for the petitioners. Also heard Ms. K.Phukan, learned Govt Advocate, Assam representing the respondents.

The present petitioners are small tea growers having their registration under All Assam Small Tea Growers Association. As per their submission in the year 1989 they applied before the respondent State for settlement of their possessed land in their names, upon which they have been carrying out tea cultivation for past 16/17 years. Though the fact is that the report of the Lat Mondal dated 27.1.2014 and 9.3.2015 in their favour, yet the respondent State has failed to take any decision with regard to allotting the said land. A disturbance took place with respect to plucking of tea leaves following which the District Administration was compelled to promulgate Section 144 Cr.P.C. restraining none to enter into the tea cultivation .

This Court vide order dated 16.10.2016 directed the District Magistrate, Jorhat to look into the grievance of the petitioner more particularly a representation of the petitioners dated 7.9.2015 the same is yet to be considered by the District Magistrate rather vide impugned order dated 21.12.2015 the Circle Officer was directed to initiate eviction proceeding against the petitioners. The said initiation of eviction was stayed by this Court vide order dated 19.8.2016. The stay order of eviction is put under challenge in this writ petition. After filing of this writ petition it is submitted by the learned counsel for the petitioners that the Government as per its policy is contemplating for settlement/allotment of the land under the possession of the Small Tea Growers and as such the learned counsel submits that the petitioners be protected under the said policy.

Considering the same let a Rule be issued to the respondents to show cause as to why

appropriate writ shall not be issued for setting aside the impugned order under memo No.JMJ.2/2015/158-A dated 21.12.2015 issued by the respondent No. 3 directing to initiate eviction proceeding and the consequent eviction notice dated 11.7.2016 issued by the Circle Officer, Teok Revenue Circle on the petitioners asking them to vacate their possessed land and/or directing the respondent authority to consider their representation.

As the respondents are represented by Ms.K.Phukan, learned Govt. Advocate, no further notice be issued. However, a copy of this order be permitted to be taken by the learned Govt. counsel.

List the matter on **24.4.2018.**

Interim order passed earlier shall continue.

**JUDGE**

**Comparing Assistant**