

GAHC010047092022



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

Case No. : WP(C)/1709/2022

PREMJIT SHARMA
S/O. MOHANLAL SHARMA, VILL. BONDA, P.O. BONDA, P.S. CHANDRAPUR,
DIST. KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY., TO THE GOVT. OF ASSAM, REVENUE
AND DISASTER MANAGEMENT DEPTT., DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER

KAMRUP (M) DISTRICT
GUWAHATI-781001.

3:THE SUPDT. OF POLICE

POLICE HEAD QUARTER
ULUBARI
GUWAHATI-781007.

4:THE CIRCLE OFFICER

CHANDRAPUR REVENUE CIRCLE
KAMRUP (M)
ASSAM.

5:THE LAT MANDAL

OFFICE OF THE CIRCLE OFFICER
CHANDRAPUR REVENUE CIRCLE
KAMRUP (M)

ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

08-03-2022

Heard Mr. S. Borthakur, learned counsel for the petitioner and Ms. N. Bordoloi, learned Standing counsel, Revenue and Disaster Management Department of the State for the respondent No. 1. Also heard Mr. J. Handique, learned Government Advocate, Assam for the respondent Nos. 2 to 4.

It is stated by the petitioner that after obtaining sale permission from the Deputy Commissioner, Kamrup (M), respondent No. 2 vide Memo No. KRM (M).5/2010/3310 dated 13.12.2010, he purchased a plot of land measuring 1 Katha 5 Lechas covered by Dag No. 420, K.P. Patta No. 53 at Revenue Village-Bonda, Mouza-Beltola under Chandrapur Revenue Circle at Guwahati in the district of Kamrup (Metro) by executing a registered Deed of Sale vide Deed No. 4335/2011 dated 26.05.2011.

Subsequently, pursuant to the order of the Assistant Settlement Officer, Chandrapur dated 20.12.2012 passed in Mutation Case No. 10/2012-13, petitioner's name as pattadar of said land covered by Dag No. 420, Patta No. 53 of Revenue Village-Bonda, Mouza-Beltola under Chandrapur Revenue Circle in the district of Kamrup, which he had purchased from the vendors, was mutated.

Mr. Borthakur, learned counsel for the petitioner, on instructions, submits that inspite of said land being patta land, the Circle Officer, Chandrapur Revenue Circle, respondent No. 4 and the Lat Mandal, Chandrapur Revenue Circle, respondent No. 5 on 05.03.2022 with its men, materials and machine demolished certain portion of the house of the petitioner constructed over his said patta land, informing him further that the said land is a government khas land and that they shall return soon and shall evict him from the said patta land.

Being aggrieved with such action, the petitioner has preferred this writ petition praying for a direction to the respondents to stay the operation of the any eviction drive on his patta land that may be carried out by the respondents.

Issue notice, returnable by **29.03.2022**.

As Ms. N. Bordoloi, learned Standing counsel, Revenue and Disaster Management Department of the State and Mr. J. Handique, learned Government Advocate, Assam have accepted the notices on behalf of the respondent Nos. 1 and 2 to 4 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the annexures appended thereto to Ms. Bordoloi, learned Standing counsel, Revenue and Disaster Management Department of the State as well as Mr. Handique, learned Government Advocate, Assam by tomorrow, i.e., 09.03.2022, obtaining necessary acknowledgments from them in that regard.

Petitioner shall take steps for service of notice on the respondent No. 5 by registered post with A/D by tomorrow, i.e., 09.03.2022, providing his correct and proper address with requisite postal stamps.

On the returnable date, i.e., 29.03.2022, the Circle Officer, Chandrapur Revenue Circle, respondent No. 4 and the Lat Mandal, Chandrapur Revenue Circle, respondent No. 5 shall apprise the Court as to why they demolished the permanent structure of the petitioner standing over the said patta land covered by Dag No. 420, Patta No. 53 at Revenue Village-Bonda, Mouza-Beltola under Chandrapur Revenue Circle in the district of Kamrup (M), noted above.

In the interim, till the returnable date, i.e., 29.03.2022, the respondents in the District Administration, Kamrup (M) including the Circle Officer of Chandrapur Revenue Circle as well as the Lat Mandal of Chandrapur Revenue Circle, shall not take any coercive action on the said patta land of the petitioner covered by Dag No. 420, Patta No. 53 at Revenue Village-Bonda, Mouza-Beltola under Chandrapur Revenue Circle in the district of Kamrup without following the due procedure of law and the relevant Rules in force.

List accordingly.

JUDGE

Comparing Assistant