

GAHC010085852021



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

Case No. : WP(C)/3671/2021

MOCHMON UDDIN AND 7 ORS
S/O. LT. JUWAID ALI, R/O. VILL. LEVERPUTA PART-I, P.S. KATIGORAH, DIST.
CACHAR, ASSAM.

2: GHULAM MUSTAFA BARBHUIYA
S/O. LT. MUHIBUR RAJA
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

3: AJIR UDDIN BARBHUIYA
S/O. LT. ABDUS SAMAD
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

4: ALIM UDDIN
S/O. LT. MOINUL HOQUE
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

5: IKBAL AHMED BARBHUIYA
S/O. LT. ABDUS SUBHAN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

6: TAJ UDDIN
S/O. LT. REKIB ALI

R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

7: ALTAF HUSSAIN
S/O. LT. ALA UDDIN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

8: ABDUL BASIT
S/O. LT. NURUL ISLAM
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
LAND AND REVENUE DEPTT., DISPUR, GUWAHATI-06.

2: THE DEPUTY COMMISSIONER
CACHAR
SILCHAR
PIN-788001.

3: CIRCLE OFFICER

KATIGORAH REVENUE CIRCLE
KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

4: INUS UDDIN
S/O. LT. MONTAJ ALI
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

5: FIROJ ALI
S/O. LT. A CHOUDHURY

R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

6: BABUL HUSSAIN

S/O. F. UDDIN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

7: RUKON UDDIN
S/O. LT. MOIN UDDIN CHOURHURY
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

04.03.2024

Heard the learned counsel for the parties.

The petitioners claim that their private lands are sought to be taken away by the respondent authorities for construction of a road.

The State of Assam has taken a stand that the land in question is Khas (Sarkari), therefore, the petitioners have no right, title and interest over the aforesaid land.

In the aforesaid backdrop, this Court under its order dated 05.06.2023 directed

the petitioners to file an additional affidavit in support of their title.

In the meantime, the respondent No. 3 i.e. Circle Officer & Asst. Settlement Officer, Katigorah Revenue Circle who has issued the notice, filed an affidavit and has taken a stand that the petitioners were the owners and possessors of land mentioned in Dag Nos. 49, 15, 155 under Patta No. 01, Dag No. 149 of Patta No. 09, Dag No. 151 of Patta No. 42 and Dag No. 152 of Patta No. 44 under Niz Leverputa Part-I Mouza by inheritance. However, according to the Circle Officer, as disclosed in the affidavit, during the year 1989 under the order dated 04.09.1989 of the Deputy Commissioner, Cachar, the land in question were made khas for construction of road under MNP Scheme. However, no such communication is annexed with the record and there is no explanation as to how, the patta land can be converted into a khas land for the purpose of construction of a road without acquiring the land.

The Deputy Commissioner, Cachar shall file an affidavit clarifying the aforesaid position.

The Deputy Commissioner, Cachar shall also clarify whether the predecessor-in-interest of the petitioners were paid any compensation for the land that has been converted into khas (sarkari) land for the purpose of construction of road.

List this matter on 21.03.2024.

JUDGE

Comparing Assistant