

GAHC010172372025



undefined

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

Case No. : RSA/158/2025

PRONOY PATNI DEY
S/O LATE PROTUL CHANDRA (PATNI) DEY, R/O BORHAT HABI GAON, P.S.
BORHAT, DIST. CHARAIDEO, ASSAM.

VERSUS

BORHAT HIGHER SECONDARY SCHOOL AND 2 ORS
P.O. AND P.S. BORHAT, DIST. CHARAIDEO, REPRESENTED BY ITS
PRINCIPAL CUM SECY., SCHOOL MANAGING COMMITTEE

2:JITUMONI BHUYAN

PRINCIPAL
BORHAT HIGHER SECONDARY SCHOOL CUM SECY.
SCHOOL MANAGING COMMITTEE
P.O. AND P.S. BORHAT
DIST. CHARAIDEO
ASSAM.

3:BIRAJ GOGOI

S/O LATE NAGEN GOGOI
R/O MICHAJAN
P.O. AND P.S. BORHAT
DIST. CHARAIDEO
ASSAM

Advocate for the Petitioner : MR. N DEKA, MR. S BANIKYA, MR VINOD BASFOR, MS M
GOGOI

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 24.09.2025

Heard Mr. N. Deka, the learned counsel appearing for the appellant.

The Regular Second Appeal is admitted for hearing upon the following two substantial questions of law :-

“ 1. Whether in view of the specific averment made in paragraph 1 of the plaint that from 10.04.1997, the appellant/plaintiff is in possession of excess land of Dag No.43, fully described in Schedule-A2 of the plaint and which statement remained uncontroverted in the written statement, the learned courts below were justified in deciding the issue no. 2 pertaining to the right, title and interest and possession of the appellant/plaintiff over the said Schedule- A2 land against the appellant/plaintiff ?

2. Whether without there being a process of re-settlement, the revenue/authorities are empowered in law to dispossess/evict the appellant/plaintiff and without there being a decree from the competent civil court ?”

Issue notice to the respondents.

The appellant shall take steps for service of notice upon the respondents by registered post with A/D.

Call for the Trial Court's record.

List after 4 (four) weeks.

JUDGE

Comparing Assistant