

WP(C) 6811/2015

BEFORE

HON'BLE MR. JUSTICE MANOJIT BHUYAN

Heard Mr. P. K. Tiwari, learned counsel for the petitioner as well as Mr. B. J. Talukdar, learned counsel representing the respondent Nos. 1 to 5, 8 and 9. Petitioner to take steps for service of Notice upon the respondent Nos. 6 and 7 by registered post, acknowledgment due within 3 days.

The petitioner is the Executive Director of a Tea Company called M/s Bogidhola Tea & Trading Private Limited Company. The said company had established a rice mill called L.N. Rice Mill over a plot of land covered by Dag No. 67 of Dhansiri Sub-Division, Sarupathar in the District of Golaghat. According to the petitioner, although the mill is not operational, the structure and the godown stood over the said plot of land covered by Dag No. 67. It is contended that the mill and godown were dismantled at the behest of some miscreants on and after 30.10.2015. To that end, the petitioner had time and again brought the same to the knowledge of the police authority, but in vain. Eventually, the Ejahar lodged by the petitioner came to be registered as Sarupathar P.S. Case No. 237 dated 01.11.2015, registered under Sections 147/447/427/379 of the IPC.

The immediate cause of action for instituting the present proceedings has arisen from the fact that since 04.11.2015, certain unknown persons have trespassed over the land and have started digging certain portions of the land for the purpose of construction of a permanent structure over it. It is fairly contended by Mr. Tiwari that as against the said action, an Ejahar is yet to be lodged before the concerned police station.

For the fact that the petitioner cannot be deprived of his property save by authority of law and having expressed genuine concern and anxiety that the petitioner would be deprived of his property, let Notice be issued making it returnable by 6 weeks.

While it is open for the petitioner to lodge a formal Ejahar before the concerned police station, a direction is also issued to the State respondents to take immediate steps to ensure that the property belonging to the petitioner under Dag No. 67 is not hampered with. In other words, it is made clear that pending return of Notice, the character of the land under Dag No. 67 shall not be altered.