

GAHC010187502024



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

Case No. : WP(C)/4695/2024

SANTOSH ALI @ SHONTOSH ALI
S/O- LATE MOFIJUDDIN, VILL.- HATIMURA, P.O.. HASDOBA, P.S.
LAKHIPUR, DIST. GOALPARA, ASSAM, PIN- 783129.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT, DISPUR, GHY-06.

2:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
ASSAM
RUPNAGAR
GHY-32.

3:THE DISTRICT COMMISSIONER
GOALPARA
P.O.
P.S. AND DIST. GOALPARA
ASSAM
PIN- 783101.

4:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE
LAKHIPUR
P.S. LAKHIPUR
DIST. GOALPARA
ASSAM
PIN- 783129.

5:THE DISTRICT FOREST OFFICER

GOALPARA
P.O. AND DIST. GOALPARA
ASSAM
PIN- 783101.

6:DHRUBA DUTTA
RANGER
LAKHIPUR FOREST RANGE OFFICE
P.O. AND P.S. LAKHIPUR
DIST. GOALPARA
ASSAM
PIN- 783129

Advocate for the petitioner(s): Mr. A Hussain

Advocate for the respondent(s): Mr. R Barpujari

Standing Counsel
Revenue Department
Mr. N Goswami
Government Advocate, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

16.09.2024

Heard Mr. A Hussain, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 23.10.2024.
3. Mr. R Barpujari, the learned Standing Counsel for the Revenue Department

appears on behalf of the respondent Nos.1 and 2 and Mr. N Goswami, the learned counsel appears on behalf of the respondents Nos. 3 and 4. However, none appears on behalf of the Forest Department, Government of Assam on call.

4. Taking into account that the respondent Nos.1 to 4 are duly represented, extra copies of the writ petition be served upon them during the course of the day.

5. As regards the respondent Nos. 5 and 6, the petitioner is directed to take steps for service of notice by way of registered post with A/D as well as through usual process within three days.

6. In addition to that, the petitioner is given the liberty to take steps upon the respondent Nos.5 and 6 by way of Dasti mode routed through the Registry of this Court and file an affidavit of service on or before the next date fixed.

7. The case of the petitioner herein is that the petitioner's father was allotted a plot of land ad measuring 1 bigha, covered by Dag No.157 (old)/202(new) at village Hashdoba under Lakhipur Revenue Circle in the district of Goalpara, Assam. Thereupon, on the basis of the said allotment, the father along with the petitioner had constructed a dwelling house over the said plot of land. The land revenue was accordingly paid in terms with the allotment. Taking into account that there was no formal allotment order issued, the petitioner submitted an application for issuing allotment order which has not yet been dealt with by the respondent authorities. However, to the utter surprise of the petitioner, the respondent Nos.4, 5 and 6 have forcefully entered into the dwelling house of the petitioner and demolished the same.

8. Under such circumstances, the petitioner has submitted a representation

before the respondent No.3, but no steps had been taken in that regard. The petitioner, therefore, has approached this Court by filing the instant writ petition.

9. The respondents, more particularly, the respondent Nos.3, 4 and 5 shall apprise this Court on the next returnable date by way of an affidavit as to under what circumstances, the petitioner was dispossessed from the land which was allotted to his father and whether there was any notice issued prior thereto.

10. List again on 23.10.2024.

JUDGE

Comparing Assistant