

GAHC010188112022



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

Case No. : WP(C)/6084/2022

SOFIQL HUSSAIN

S/O- LT. ABU HOSSEN, R/O- VILL- KADAMTOLA PT-II, P.O. AND P.S.
BILASIPARA, DIST.- DHUBRI, (ASSAM), PIN- 783348

VERSUS

THE STATE OF ASSAM AND 6 ORS.

REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-06

3:THE DY. COMMISSIONER
DHUBRI
ASSAM

4:THE ADDL. DY. COMMISSIONER
DHUBRI

5:THE SUB-DIVISIONAL OFFICER (CIVIL)
BILASIPARA SUB-DIVISION
BILASIPARA
DIST.- DHUBRI
ASSAM

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
DIST.- DHUBRI
ASSAM

7:THE ASSTT. FISHERY OFFICER
DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 78330

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 19/09/2022

Heard Mr. A.A. Sk, learned counsel for the writ petitioner.

Aggrieved by the feasibility report dated 19/04/2022 issued by the Assam Fishery Officer, projecting that the land mentioned therein, including those under occupation of the petitioner was Government Khas land and, therefore, it was feasible for the purpose of setting up a fishery, the instant writ petition has been filed *inter-alia*, contending that the petitioner through his forefathers, is in occupation of a part of the land since last 80 (eighty) years by paying revenue and the application for settlement of the land is also pending with the Government. However, in view of the feasibility report dated 19/04/2022, a genuine apprehension has arisen in the mind of the petitioner that he might be evicted from the land under his possession. As such, this writ petition has been filed with a prayer seeking an order of interim protection.

I have perused the documents annexed to the writ petition which, *prima facie* indicates that the petitioner has been in possession of the land since the time of his forefather.

Ms. M. Barman, learned Government Advocate, Assam, prays for some time to obtain instruction in the matter.

Issue notice of motion returnable on 21/11/2022.

Since Ms. Barman, learned Government Advocate, Assam, has appeared and accepted notice on behalf of the respondent nos. 1, 3 to 7 and Ms. N. Bordoloi, learned Standing Counsel, Revenue and DM Department, Assam, has accepted notice on behalf of the remaining respondents, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel (s) within one week from today, so as to enable them to obtain instruction.

Heard on the prayer of interim relief. The said prayer will be considered on the returnable date. However, for ends of justice, as an ad-interim measure, it is hereby provided that *status quo* as regards the possession of the petitioner in respect of the land covered by Dag No. 218 of Khatian No. 35, shall be maintained till the returnable date.

List the matter again on 21/11/2022.

JUDGE

sukhamay

Comparing Assistant