

GAHC010188742021



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

Case No. : WP(C)/6116/2021

ASSAM JATIYA BIDYALAY
MANIRAM DEWAN ROAD, NOONMATI, GUWAHATI-781020, DIST-
KAMRUP(M), ASSAM, REPRESENTED BY SRI DILIP KUMAR DUTTA
CHOUDHURY, AGE 61 YEARS, PRESIDENT/TREASURER, ASSAM JATIYA
BIDYALAY

VERSUS

THE STATE OF ASSAM AND 6 ORS.
COMMISSIONER AND SECRETARY, REVENUE DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI
ASSAM-781001

3:ADDL. DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI
ASSAM-781001

4:REVENUE (SETTLEMENT) DEPARTMENT
GOVERNMENT OF ASSAM

5:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
GUWAHATI
ASSAM

6:NORTHEAST FRONTIER RAILWAY
REPRESENTED BY THE GENERAL MANAGER
MALIGAON

GUWAHATI
PIN-781011

7:THE UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF RAILWAY
NEW DELHI
PIN-11000

Advocate for the Petitioner : MR. B DEKA

Advocate for the Respondent : SC, REVENUE

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-11-2021

Heard Mr. B. Deka, learned counsel for the petitioner and Mr. B. J. Talukdar, learned Standing counsel, Revenue Department for the respondent Nos. 1 and 4. Also heard Mr. B. Deuri, learned Government Advocate, Assam for the respondent Nos. 2, 3 and 5 as well as Mr. B. Sarma, learned Standing counsel, NF Railways for the respondent Nos. 6 and 7.

The State Government in the Revenue (Settlement) Department by its communication dated 12.08.1997 settled the land measuring 6 Bigha 4 Lechas covered by Dag No.179 and 1 Bigha 1 Katha and 14 Lechas of land covered by Dag No.188 of village-Noonmati under Ulubari Mouza from the Railway Department, Government of India in favour of the petitioner School on payment of 100% land value as premium where the land value was fixed at 20,000/-per Katha. By its communication dated 12.08.1997, the respondent Railway Department also clarified that the Deputy Commissioner, Kamrup will evict the encroachers forthwith and handover possession of the land to the petitioner School on realization of premium in full.

By communication dated 20.10.1997, the Revenue Department of the State intimated the Deputy Commissioner, Kamrup regarding the payment of premium of land measuring 6 Bigha 0 Katha 4 Lechas, settled with the petitioner School, in 5 equal installments within

August 1998. Accordingly, the petitioner on 31.10.1997 deposited an amount of Rs.1,20,000/- towards the first installment. However, the said order of settlement of Railway land in favour of the petitioner School was challenged in Civil Rule No.187/1998 which was finally decided by a Division Bench of this Court on 26.11.2014 in WA No. 183/2007 (Azam Jatiay Vidyalaya and Anr. Vs. Union of India and Ors.).

The Hon'ble Division Bench by the said order dated 26.11.2014 observed as follows:--

“

At this stage, it is improper to direct the school building to be demolished and the school to be shifted elsewhere. On the other hand it is just and proper to direct the State to grant some alternate land to the Railways for the purpose of construction of railway yard, which is said to be available within the vicinity of the land, in question. The State Government shall allot alternate land to the Railways within the vicinity of the land, in question. Accordingly, the appeal is allowed.”

It is stated that though the petitioner after the said decision of the Division Bench dated 26.11.2014 approached the Deputy Commissioner, Kamrup on various dates, enabling it to deposit the remaining amount of premium for the said land measuring 6 Bigha 0 Katha 4 Lechas, but the same has not yet been considered and granted.

It is also stated by the petitioner that out of 6 Bigha 0 Katha 4 Lechas of land settled with the petitioner School, the respondents in the Revenue (Settlement) Branch as well as by the Deputy Commissioner, Kamrup have handed over physical possession of only 4 Bigha 3 Katha and 10 Lechas of land to the petitioners School.

List on **21.12.2021** enabling the Deputy Commissioner, Kamrup(M), Guwahati to apprise the Court about status of the the representations submitted by the petitioner on 27.03.2018 as well as 05.11.2019 regarding the payment of remaining installments pertaining to the premium payable by the petitioner to the said authorities with regard to the aforesaid land of the School.

Petitioner shall serve requisite extra copies of this writ petition including the annexures appended thereto to Mr. B. J. Talukdar, learned Standing counsel, Revenue Department and Mr. B. Deuri, learned Government Advocate, Assam by tomorrow obtaining necessary acknowledgement from them in that regard.

Copies of this order be furnished to Mr. B. J. Talukdar, learned Standing counsel,

Revenue Department and Mr. B. Deuri, learned Government Advocate, Assam for their necessary use.

JUDGE

Comparing Assistant