

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

11-02-2022

Heard Mr. B. Deka, learned counsel for the petitioner and Ms. N. Bordoloi, 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, Railways for the respondent Nos. 6 and 7.

Land measuring 6 Bighas 4 Lechas covered by Dag No.179 and land measuring 1 Bigha 1 Katha and 14 Lechas covered by Dag No.188 of Village-Noonmati, Mouza-Ulubari that was allotted with the respondents in the Indian Railways, later have been settled with the petitioner. As only 4 Bighas 3 Kathas and 14.49 Lechas of land out of said 6 Bighas 4 Lechas covered by Dag No.179 could be allotted to the petitioner initially after resumption of the same from the respondent Railways and on paying the necessary land premium of Rs.1,20,800/- on 31.10.1997 for the said land @ Rs.20,000/- per Katha in terms of letters dated 12.08.1997, 15.09.1997 and 20.10.1997 of the Revenue (Settlement) Department of the State, it was settled with the petitioner.

By order dated 26.11.2014, passed in WA No.183/2007 a Division Bench of this Court directed the State Government to grant some alternate land to the Railways for the purpose

of construction of Railway yard that is available in the vicinity of the land involved in the case affirming the allotment of 6 Bighas 4 Lechas of land of said Dag No.179 of Village-Noonmati, Mouza-Ulubari that was earlier allotted to the respondent Railways.

After the said judgment dated 26.11.2014, the petitioner approached the Deputy Commissioner, Kamrup(M), Guwahati on 27.03.2018 to handover the remaining 1 Bigha 1 Katha 14 Lechas of land of Dag No.179 that was still under occupation of the Railways enabling the petitioner to deposit the requisite premium for the said land as it has been allotted with 6 Bighas 4 Lechas of land covered by Dag No.179 out of which only 4 Bighas 3 Kathas and 14.49 Lechas of land have been settled with the petitioner.

Said representation of the petitioner was received by the office of the Deputy Commissioner, Kamrup (M), Guwahati on 02.04.2018 vide No.339/2018. Subsequent to that, the petitioner submitted several representations before the Deputy Commissioner, Kamrup (M), Guwahati to handover the remaining 1 Bigha 1 Katha and 14 Lechas of land covered by Dag No.179 out of 6 Bigha 4 Lechas covered by Dag No.179 on payment of requisite premium. But, as the Deputy Commissioner, Kamrup (M), Guwahati has not yet considered those representations of the petitioner for handing over the said remaining portion of land remaining 1 Bigha 1 Katha and 14 Lechas covered by Dag No.179, being aggrieved, the petitioner has preferred this writ petition.

Earlier, this Court by order dated 22.11.2021 directed the Deputy Commissioner, Kamrup (M), Guwahati, respondent No.2 to apprise the Court about the status of those representations of the petitioner, noted above, that are pending before him.

It is submitted that an affidavit has been filed by the Deputy Commissioner, Kamrup(M), Guwahati yesterday serving copy of the same on the learned counsel for the petitioner but the said respondent is silent with regard to said 1 Bigha 1 Katha and 14 Lechas covered by Dag No.179, village - Noonmati, Mouza - Ulubari except stating that 4 Bighas 3 Kathas 14.49 Lechas of Government land covered by Dag No.1589 (new) / 179 (old) is under occupation of the petitioner.

List on **07.03.2022** enabling the Deputy Commissioner, Kamrup (M), Guwahati, respondent No.2 to apprise the Court about the steps taken by him to allot the remaining

portion of land measuring 1 Bigha 1 Katha and 14 Lechas covered by Dag No.179 out of 6 Bigha 4 Lechas covered by Dag No.179 of Village- Noonmati, Mouza - Ulubari and also the rate of premium payable by the petitioner for the said 1 Bigha 1 Katha and 14 Lechas land in terms of its representation dated 02.04.2018.

On the date so fixed, i.e., 07.03.2022, the respondent Railways shall also clarify whether land measuring 1 Bigha 1 Katha 14 Lechas of land of Dag No.179 of Village-Noonmati, Mouza - Ulubari is still under its occupation or handed over the same to the State Government.

Copies of this order be furnished to Mr. B. Deuri, learned Government Advocate, Assam as well as Mr. B. Sarma, learned Standing counsel, Railways for their necessary use.

JUDGE

Comparing Assistant