

WP(C) 3970/2017

BEFORE

HON'BLE MR. JUSTICE A.M. BUJOR BARUA

Heard Mr. R.Dubey, learned counsel for the petitioner and MR. S.P. Choudhury, learned counsel appearing for the State respondents.

The petitioner is aggrieved by a notice u/s 18(2), 18(3), 165(3) of Assam Land and Revenue Regulation Act dated 23.06.2015, by which the petitioner has been notified that he will be evicted from the concerned land in question within fifteen days. It is stated that although the said notice is dated 23.06.2015, but no such eviction process is carried out against the petitioner and the petitioner is still occupying the concerned land. But some other similarly situated people, who had also received similar notices had moved this Court by way of a writ petition being WP' No.2174/2017, wherein an interim order dated 07.4.2017 was passed that till the returnable date, the petitioners therein shall not be evicted.

It is stated by the learned counsel for the petitioner that after the said interim order was passed in respect of the other persons, who were also equally liable to be evicted, the respondent authorities are now threatening to evict the petitioner because he does not have a similar interim order from this Court.

Mr. S.P. Choudhury, learned Additional Senior Advocate on the other refers to the order dated 03.05.2010 in WP(C) No.288/2010, which was preferred by the same petitioner as in the present writ petition. The said writ petition was also against notice u/s 18(2) of Assam Land and Revenue Regulation Act for eviction of the petitioners. But the said writ petition had been dismissed by the order dated 03.05.2010.

Be that as it may, on the next date fixed, the learned counsel for the petitioner shall make the required submission as to what subsisting right the petitioner has to continue over the land in question and as to why the eviction order should not be given effect.

In the interim, it is provided that till the next date fixed, the petitioner be not evicted from the land. However, this order is subject to further orders that would be passed on the next date fixed depending on the instruction that the learned State Counsel may obtain.

List the matter again on 24.07.2017.