

GAHC010199302023



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

Case No. : WP(C)/5685/2023

DEBENDRA NATH PHUKAN
S/O LATE MOHINI NATH PHUKAN, R/O 19, MARTELLO COURT,
PORTMARNOCK, DUBLIN, D13XF85, IRELAND. THROUGH HIS LEGALLY
CONSTITUTED ATTORNEY SHRI AMAL BORAH, S/O LATE BHABANI
CHARAN BORAH, AGED ABOUT 72 YEARS, R/O HOUSE NO. 8,
MALIBAGAN, KHARGULI, GUWAHATI-781004, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, REVENUE
DEPARTMENT, KAMRUP (M), DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI

3:THE ADDITIONAL DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI

4:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
GUWAHATI

5:BIRENDRA NATH PHUKAN
S/O LATE MOHINI NATH PHUKAN
R/O M.C. BARUAH ROAD
BARUWARI
GUWAHATI-781001
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MRS. R BORAH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 13-10-2023

Heard Mrs. R. Borah, learned counsel for the writ petitioner.

It appears that the writ petitioner herein had submitted an application before the respondent No. 4, *i.e.* the Circle Officer, Guwahati Revenue Circle, Guwahati for demarcation of his land pursuant to partition of the same. The grievance of the petitioner is that although the demarcation case being numbered and registered as Demarcation Case No. 382/2017 is pending since 2017, no action has been taken by the respondent No. 3 to demarcate the land. Hence, this writ petition.

It *prima facie* appears from the materials on record that the learned Circle Officer could not proceed further in the matter due to objection raised by the petitioner's sibling, *i.e.* the respondent No. 5. As such, this writ petition cannot be decided in the absence of respondent No. 5.

Issue notice of motion returnable in 06 weeks.

Since Ms. G. Hazarika, learned standing counsel, Revenue Department, Assam has accepted notice on behalf of respondent No. 1 and Mr. N. Goswami, learned Govt. Advocate, Assam for respondent Nos. 2 to 4, service of notice is deemed to be complete in

this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within a week from today.

Petitioner to take steps for service of notice upon respondent No. 5 by registered post with A/D.

Steps within a week from today.

JUDGE

GS

Comparing Assistant