

GAHC010218662024



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

Case No. : WP(C)/5314/2024

MULCHAND AGARWALA AND ANR
S/O- LATE OM PRAKASH AGARWALA,
R/O- WARD NO-11, DHUBRI TOWN,
P.O AND P.S- DHUBRI, DIST- DHUBRI, ASSAM, PIN-783301

2: SATYANARAYAN AGARWALA
S/O- LATE OM PRAKASH AGARWALA

R/O- WARD NO-11
DHUBRI TOWN

P.O AND P.S- DHUBRI
DIST- DHUBRI
ASSAM
PIN-78330

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVT. OF
ASSAM, REVENUE DEPTT., ASSAM, DISPUR, GUWAHATI-6.

2:THE DISTRICT COMMISSIONER
DHUBRI

3:THE CIRCLE OFFICER
DHUBRI REVENUE CIRCLE
DHUBRI

4:JIBON KRISHNA SAHA
S/O- LATE JAY NARAYAN SAHA

R/O- WARD NO-5
DHUBRI

P.O AND P.S- DHUBRI
DIST- DHUBRI
ASSAM
PIN-783301

5:MAHENDRA KUMAR SETHIA
S/O- PUNAM CHAND SETHIA

R/O- WARD NO-5
DHUBRI

P.O AND P.S- DHUBRI
DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. D SARAF, MS P SHARMA,MR. S S GUPTA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 15.10.2024

- 1.** Heard Mr. D. Saraf, learned counsel for the petitioners.
- 2.** This writ petition has been preferred by the petitioners impugning the notice issued by the Circle Officer, Dhubri i.e., the respondent No. 3 in the Demarcation Case No. 18/2024, fixing 19.10.2024 as the date of demarcation of the land measuring 3 Kathas 16 Lechas covered by Dag No. 633 of Patta No. 962 at village Dhubri Town Khas Mahal.
- 3.** The learned counsel for the petitioners has submitted that the land sought to be demarcated has already been demarcated in pursuant to the earlier order of the respondent No. 3 which was passed on 19.01.2023 in Demarcation Case No. 07/2022.

- 4.** Mr. S. S. Roy, learned Government Advocate for the respondent Nos. 2 and 3 sought some time for seeking necessary instructions in this regard.
- 5.** Issue notice to the respondents.
- 6.** Since, Mr. S. S. Roy, learned Government Advocate has appeared for the respondent Nos. 2 to 3, no formal notice need to be issued to the said respondents.
- 7.** As regards the respondent No. 1, the petitioners shall furnish notice along with a copy of writ petition to the learned Standing counsel of the Revenue Department.
- 8.** The petitioner shall also take steps for issuance of notice on the respondent Nos. 4 and 5 by registered post with A/D within seven days from the date of this order, returnable on 30th October, 2024.
- 9.** In the meanwhile, considering the submissions made by the learned counsel for the petitioner as well as averment made in the writ petition, the *status quo* shall be maintained in respect of the Demarcation Case No. 18/2024 till the next returnable date by the respondent authorities.

JUDGE

Comparing Assistant