

GAHC010221082023



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

Case No. : WP(C)/7214/2023

NIRANJAN PODDAR AND 4 ORS
S/O LATE NARAYAN PODDAR, VILL-PUAL PARA, WARD NO. 9, P.O.-
BONGAIGAON, P.S.-BONGAIGAON, DIST-BONGAIGAON, ASSAM

2: TAPASH PODDAR
S/O LATE NARAYAN PODDAR
VILL-PUALPARA
WARD NO. 9
P.O.-BONGAIGAON
P.S.-BONGAIGAON
DIST-BONGAIGAON
ASSAM

3: BISWAJIT PODDAR
S/O LATE NARAYAN PODDAR
VILL-PUALPARA
WARD NO. 9
P.O.-BONGAIGAON
P.S.-BONGAIGAON
DIST-BONGAIGAON
ASSAM

4: DILIP PODDAR
S/O LATE PRAFULLA PODDAR
VILL-PUALPARA
WARD NO. 9
P.O.-BONGAIGAON
P.S.-BONGAIGAON
DIST-BONGAIGAON
ASSAM

5: SANKAR PODDAR
S/O LATE PRAFULLA PODDAR
VILL-PUALPARA

WARD NO. 9
P.O.-BONGAIGAON
P.S.-BONGAIGAON
DIST-BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GHY-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
RELIEF AND REHABILITATION DEPARTMENT
DISPUR
GHY-6

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY-6

4:THE DEPUTY COMMISSIONER
BONGAIGAON
P.O. AND DIST-BONGAIGAON
ASSAM

5:THE DEPUTY COMMISSIONER
GOALPARA
P.O. AND DIST-GOALPARA
ASSAM

6:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST-DHUBRI
ASSAM

7:THE CIRCLE OFFICER
BONGAIGAON REVENUE CIRCLE
P.O. AND DIST-BONGAIGAON
ASSA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 15.12.2023

Heard Mr. M.H. Ahmed, learned counsel for the petitioners; Mr. B.J. Taukdar, learned Senior Counsel assisted by Mr. P.K. Medhi, learned counsel for the respondent nos. 1, 4, 5, 6 & 7; and Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent nos. 2 & 3.

As per the case projected in the writ petition, the petitioner's grandfather was originally allotted a plot of land measuring 1 Katha 10 Lessas, covered by Dag no. 1 [Pt.] at Village – Bongaigaon town. After the death of the petitioners' predecessor-in-interest [Late Jitendra Poddar], the petitioners being his legal heirs had pursued the matter. By a letter dated 27.10.2015, the authorities have conveyed their decision to allot the land in favour of the petitioners on payment of premium of Rs. 10,20,000/- for the plot of land measuring 1 Katha 10 Lessas, by taking valuation of the land at Rs. 34,00,000/- per bigha. The petitioners are before this Court contending that the amount of premium demanded by the respondent authorities is exorbitant and without any valid basis. It is the case of the petitioners that earlier, the predecessors-in-interest of the petitioners had deposited an amount, as asked for by the respondent authorities for allotment.

Mr. Talukdar, learned Senior Counsel and Ms. Bordoloi, learned Standing Counsel, Revenue Department have prayed for some time to obtain instructions and file affidavit indicating the basis on which the calculation of premium has been made in respect of the land in question.

Issue notice, returnable in 4 [four] weeks.

As Mr. Medhi, learned counsel has appeared and accepted notice on behalf of the respondent nos. 1, 4, 5, 6 & 7 and Ms. Bordoloi, learned Standing Counsel, Revenue Department has appeared and accepted notice on behalf of the respondent nos. 2 & 3, no formal notices need to be issued to the said respondents. Mr. Ahmed, learned counsel for the petitioners shall, however, furnish requisite nos. of extra copies of the writ petition along with annexures, to Mr. Medhi and Ms. Bordoloi within 2 [two] working days from today.

List the case along with W.P.[C] no. 4227/2023 and W.P.[C] no. 4181/2023.

JUDGE

Comparing Assistant