

GAHC010221242023



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

Case No. : WP(C)/5777/2023

INDIRA RONGPHARPI AND 3 ORS.
D/O- LATE NIHANG ROMGPHAR,
R/O- NEAR IRRIGATION OFFICE,
P.O- DIPHU,
P.S- DIPHU, DIST- KARBI ANGLONG, ASSAM, PIN-782460

2: ROSELYN TAROPI
D/O- LATE MOINA RONGPHARPI
R/O- BENJAMIN TARO GAON
P.O.- TARABASA
PS- HOWRAGHAT
PIN- 782482
KARBI ANGLONG
ASSAM.

3: JIRSONG TARO
S/O- LATE MOINA RONGPHARPI
R/O- BENJAMIN TARO GAON
PO- TARABASA
P.S.- HOWRAGHAT
PIN- 782482
KARBI ANGLONG
ASSAM.

4: MIRLYN TAROPI
D/O- LATE MOINA RONGPHARPI
R/O- BENJAMIN TARO GAON
PO- TARABASA
P.S.- HOWRAGHAT
PIN- 782482
KARBI ANGLONG
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
EAST KARBI ANGLONG DISTRICT- 782460
REPRESENTED BY ITS PRINCIPAL SECRETARY.

3:THE SECRETARY

DEPARTMENT OF REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG- 782460.

4:THE JOINT SECRETARY

DEPARTMENT OF REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG- 782460.

5:THE DEPUTY SECRETARY

I/C REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU- 782460.

6:THE ASSISTANT REVENUE OFFICER
CUM-ASSISTANT SETTLEMENT OFFICER
PHULONI REVENUE CIRCLE
PHULONI
KARBI ANGLONG- 782441.

7:THE OFFICER IN CHARGE
UTTAR BORBIL POLICE OUT POST
LORINGTHEPI
KARBI ANGLONG-78248

Advocate for the Petitioner : MR. I CHOWDHURY SR ADV

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

29.09.2023

Heard Mr. I. Choudhury, learned senior counsel assisted by Mr. S. Biswakarma, learned counsel appearing for the writ petitioners. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1, Mr. J. Chutia, learned Standing Counsel, KAAC appearing for the respondent Nos.2 to 6 and Mr. J. Handique, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent No.7.

This writ petition is directed against the communication dated 25.09.2023 issued by the Assistant Revenue Officer, Phuloni Revenue Circle to the Officer-in-Charge of Uttar Borbil Police Outpost to remove the banner posted over the land.

Mr. Choudhury submits that having carried out the demarcation of the land, the authorities are now seeking to disturb the possession of the petitioners over the land by removing the banner and also the trees planted therein, only to cause injury to the petitioners.

Mr. Chutia, on the other hand, submits that there is a serious dispute as regards the possession of the land and since the demarcation process was carried out without hearing the complainants, who were the private respondents in the earlier round of litigation, there are disputed questions of facts which would require adjudication by the Court but the same would not be possible in the absence of the complainants.

I find that the complainants, who were parties to the earlier petitions, have not been impleaded as private respondents in this case. As such, on the request of

Mr. Choudhury, this matter is directed to be posted again on 06.10.2023 for motion so as to enable the petitioners to implead the complainants as respondent Nos.8 to 11 in this writ petition.

The petitioners to file amended cause title in the writ petition on or before 04.10.2023. Thereafter, the Registry to list this case for motion.

Till the next date fixed, status quo as regards the land in question be maintained in all respect.

JUDGE

Comparing Assistant