

GAHC010222842024



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

Case No. : WP(C)/5587/2024

MITHILA KANU
SRI RATAN LAL KANU @ RATAN KANU, VILL- NUTAN BAZAR, P.O.
NARSINGPUR, P.S. DHOLAI DIST.- CACHAR, ASSAM, PIN- 788115

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI GUWAHATI- 37

3:THE DEPUTY COMMISSIONER
CACHAR SILCHAR
DIST. CACHAR
ASSAM- 788001

4:THE BLOCK DEVELOPMENT OFFICER CUM EXECUTIVE OFFICER
NARSINGPUR ANCHALIK PANCHAYAT
DIST.- CACHAR
ASSAM- 788116

5:THE PRESIDENT
NARSINGPUR ANCHALIK PANCHAYAT
SONAI DIST.- CACHAR
ASSAM PIN- 788116

6:THE PRESIDENT
CLEVER HOUSE GAON PANCHAYAT
SONAI CACHAR
ASSAM- 788116

7:THE SECRETARY
CLEVER HOUSE GAON PANCHAYAT
SONAI
CACHAR
ASSAM- 78811

Advocate for the Petitioner : MR M J QUADIR, MS S AHMED,MR. A K HANNAN

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 04.11.2024

Heard Mr. M. J. Quadir, learned counsel for the petitioner.

2. This writ petition has been filed for a direction to be issued to the respondents, to renew the petitioner's lease dated 29.04.2016 for Bhit No. 17 at Nutan Bazar under Narsingpur Anchalik Panchayat, Cachar District.

3. The petitioner had been given a 5 years' lease for Bhit No. 17 in Nutan Bazar, vide order dated 29.04.2016. The condition No. 6 of the order states as follows:-

“6. The lease is valid for five years. The Lessee shall renew the lease on completion of five years on payment of requisite fees of this office.”

4. The petitioner had been given a letter dated 06.07.2020, directing her to vacate the illegal occupied land at Nutan Bazar within three days, as the petitioner's prayer petition dated 26.06.2020 has been rejected.

5. The letter dated 06.07.2020 was put to challenge in WP(C) 2980/2020 and this Court, vide interim order dated 07.08.2020, directed the State respondents not to disturb the possession of the petitioner in respect of the Bhit No. 17 until further orders.
6. The petitioner's counsel submits that the present writ petition is for a direction to be issued to the State respondents, to renew the lease dated 29.04.2016 issued to the petitioner in respect of the Bhit No. 17 at Nutan Bazar.
7. Mr. S. Dutta, learned counsel for the respondents submits that the petitioner has been in occupation of the Bhit No. 17 for more than 8 years in view of the fact that an interim order was issued by this Court. Further, the petitioner has been hiding facts, inasmuch as he has kept silent regarding the petitioner approaching this Court in WP(C) 85/2021, which was disposed of on 12.01.2021, by allowing the petitioner to construct/renovate the temporary structure on Bhit No. 17.
8. On considering the submissions made by the learned counsels for the parties, this Court is of the view that WP(C) 2980/2020 and the disposed of WP(C) No. 85/2021 should be listed together.
9. Accordingly, Registry to list this matter on **11.11.2024** along with WP(C) 2980/2020 and WP(C) 85/2021.

JUDGE

Comparing Assistant