

GAHC010224292017



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

Case No. : WP(C)/7732/2017

BAJRANG TEA and INDUSTRIES PVT. LTD.
A PRIVATE LTD. COMPANY, INCORPORATED UNDER THE PROVISION OF
THE COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT
CHAMBER ROAD, P.O. and DIST- TINSUKIA, ASSAM, REPRESENTED BY ITS
DIRECTOR, NAMELY, SRI DINESH KUMAR AGARWAL, S/O- RAMAWATAR
AGARWAL, R/O- TARACHAND JALAN ROAD, TINSUKIA, P.O. and DIST-
TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM and 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE and DISASTER MANAGEMENT DEPTT., DISPUR,
GHY-6

2:THE JOINT SECRETARY
REVENUE REFORMS DEPTT.
DISPUR
GHY-6

3:THE COLLECTOR CUM DEPUTY COMMISSIONER
CACHAR
DIST-CACHAR
ASSAM

4:THE SETTLEMENT OFFICER
CACHAR
SILCHAR
DIST- CACHAR
ASSAM

5:THE KESHAB SMARAK SAMITI

A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT
1860 HAVING ITS REGISTERED OFFICE AT SRIPALLY
COLLEGE ROAD
SILCHAR-1
DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. S DEKA, MR.B DUTTA,MR.D TUMUNG,MS.J BORA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, MS M KALITA (R-5),MS P CHETIA (R-5),MR G P BHOWMIK, SR. ADV (R-5),GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

27.08.2025

Heard Shri B. Dutta, learned Senior Counsel assisted by Shri J. Das, learned counsel for the petitioner. Also heard Shri SS Roy, learned State Counsel and Ms. G. Hazarika, learned Standing Counsel, Revenue Department.

None appears for the respondent no. 5 in spite of the names of the counsel being reflected in the cause-list.

2. As per the facts projected, the petitioner had acquired ownership of a tea estate in the name and style Binod Nagar Tea Estate consisting of land measuring 3181 bigha 14 katha 11 chatak at Dwarband in the district of Cachar on 28.01.1980 whereafter, mutation was also granted in favour of the petitioner on 08.02.1980. However due to financial liabilities, the petitioner could not operate the tea estate and consequently there was lockout in the year 1988. The petitioner had later revived the tea estate by regularizing the wages of the staff and the labourers. In January 1999, the petitioner came to know that land measuring 367 bigha 9 katha 2 chatak of the tea estate has been declared as ceiling surplus by the Collector, Cachar vide order dated 20.01.1975 in Land

Ceiling No. 02 of 1973-74.

3. On coming to know about the aforesaid aspect, the petitioner had preferred a revision in November, 1999 for exempting the aforesaid land from ceiling surplus or to re-allot the same in favour of the petitioner. Consequently, a field survey was conducted in terms of a communication dated 22.04.2000 of the Deputy Commissioner, Cachar. It was informed that 300 bigha of land is situated in a compact area of Binod Nagar Tea Estate of the petitioner and there was a suggestion that it would be suitable for special cultivation and accordingly, there was a recommendation for disposal of the revision petition. Though sufficient time had elapsed, there was no decision taken in the revision petition and in the meantime, the petitioner came to learn about a proposal vide a letter dated 25.08.2017 to settle an area of 284 bigha 9 katha 2 chatak in favor of the respondent no. 5. Accordingly, the writ petition was filed.

4. Shri Dutta, learned Senior Counsel for the petitioner has submitted that when the revision of the petitioner was pending consideration before the appropriate authority, the proposal to make allotment in favour of the respondent no. 5 would pre-empt the rights of the petitioner. He has also submitted that while acquiring the ownership of the land in question, the petitioner was not aware of the ceiling proceeding which was of the year 1975 and all these aspects have been highlighted in the revision filed by the petitioner.

5. Ms. G. Hazarika, the learned Standing Counsel, Revenue Department has however, placed before this Court written instructions dated 16.08.2025 along with the relevant documents. She has submitted that the records pertaining to filing of the revision which was in the year 1999 could not be wholly traced out and some reconstructions have been done. It is accordingly prayed that though

reconstruction of the ceiling cases was not wholly possible due to insufficiency of required records pertaining to the year 1970, the Department may be allowed to dispose of the pending revision on the basis of the available materials, field and ground situation. The materials have also been enumerated in the written instructions dated 16.08.2025.

6. The learned Senior Counsel for the petitioner has submitted that in view of the aforesaid facts and circumstances, he would not be opposed to a direction to decide and dispose of the revision petition referred by the petitioner within a specified time. He however has submitted that the order of *status-quo* which was passed in this writ petition be kept operative.

7. After considering the submissions advanced by the learned counsel for the parties, this Court, upon perusal of the written instructions and the documents enclosed which have been placed before this Court, is of the opinion that the equity would be balanced if the Department is directed to dispose of the pending revision petition filed on 12.04.1999 based on the materials which are presently available. This Court has noticed that in the communication dated 16.08.2025, the following materials have been stated to be available:

- “1. *Para-wise reports of the then Deputy Commissioner (Copy at Annexure-III)*
2. *Recent Field reports of the District Commissioner, Cachar, (Copy at Annexure-IV & Annexure-V)”*

It is also a part of the instructions that there was no significant progress of settlement of the lands in favour of Respondent No.5 (Keshab Smarak Samity) in the settlement branch, Revenue and DM Department.

8. Accordingly, the instant writ petition is closed by directing the Department

to dispose of the revision petition, in the manner indicated above expeditiously and preferably within an outer limit of 3(three) months from today.

9. To balance the equities, it is further provided that the order of *status-quo* which was passed in this writ petition shall remain operative till the disposal of the revision petition. It is also clarified that any party which may be aggrieved by the decision taken in the revision petition would be entitled to approach the appropriate forum.

10. The written instructions dated 16.08.2025 along with relevant documents placed before this Court are made part of the records.

JUDGE

Comparing Assistant