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

Case No. : WP(C)/5879/2024

DHANSIRI CO-OPERATIVE COLLECTIVE FARMING SOCIETY AND ANR
A REGISTERED SOCIETY HAVING REGISTERED NO. G.S.-16 OF 1961-62
BANGCHUNG, DISTRICT- GOLAGHAT, 785621

2: SRI BHUGIRAM KALITA
SON OF LATE BAPUKAN KALITA
SECRETARY OF PETITIONER NO.1
RESIDENT OF GOLAGHAT
DISTRICT- GOLAGHAT
ASSAM
PIN- 78562

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED THROUGH THE PRINCIPAL SECRETARY, REVENUE,
DISPUR, GUWAHATI-06, ASSAM

2:THE COLLECTOR CUM DISTRICT COMMISSIONER
DISTRICT- GOLAGHAT
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER (LAND ACQUISITION AND
LAND RECORD)
DISTRICT- GOLAGHAT
ASSAM

4:THE CIRCLE OFFICER
MORONGI REVENUE CIRCLE
PO- MORONGI
PIN- 785702
DISTRICT- GOLAGHAT
ASSAM

5:ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
GOLAGHAT
PIN- 785621

6:DHANSIRI COLLECTIVE CO-OPERATIVE FARMING SOCIETY
HAVING REGISTERED NO. 171/2020 REPRESENTED BY ITS PRESENT
PRESIDENT SRI TAPAN BORA
SON OF SRI DHANESWAR BORA
RUPJYOTI NAGAR
WARD NO.1
PO- GOLAGHAT
DISTRICT- GOLAGHAT
ASSAM
PIN- 785621

7:SRI DHANESWAR BORA
SON OF LATE BAPURAM BORA
RUPJYOTI NAGAR
GOLAGHAT
WARD NO.1
PO- GOLAGHAT
DISTRICT- GOLAGHAT
PIN- 78562

Advocate for the Petitioner : MR D K NATH,

Advocate for the Respondent : GA, ASSAM, SC, CO OP,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03.12.2024

Heard Mr. D.K. Nath, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned counsel appearing for the respondent Nos. 2, 3, and 4, and Ms. G. Hazarika, learned counsel for the respondent No.1 and Mr. R.P. Goswami, learned counsel for the respondent No.5.

Issue Notice, Returnable in three weeks.

Since the learned counsels entered appearances on behalf of the

respondents No. 1 to 5, notices are waived. However, extra copies be furnished to the respondents within one week from today.

Steps on respondent Nos. 6 and 7 shall be taken by registered post with AD as well as usual course within one week from today. Dasti service is also permitted.

The respondents will obtain their instructions with regard to the claim of the petitioner that they were the original Co-operative Society registered who had been allotted the land measuring 108 Bighas 2 kathas and 10 lechas of annual patta basis in favour of the petitioner's society for farming reason.

Learned counsel for the petitioner submits that this land was acquired by the State and land compensation was required to be released by the respondent Government. However, it is claim of the petitioner that the respondent No.6 is another Co-operative Society having similar name and style and they had claimed over this said plot of land and have represented themselves to be a society to whom originally allotted the said plot of land measuring 108 Bighas, 4 kathas, 10 lechas and consequently have been released a part of the compensation by the said authorities. This was brought to the notice by the present writ petitioner by filing representation before the Assistant Registrar of Co-operative Society as well as before the Deputy Commissioner, Golaghat. However, the same has been unattended. Being aggrieved the present writ petition has been filed.

Let the respondents be complete their instructions and file necessary affidavit, if so advised, in the meantime.

Meanwhile, further release of compensation by the Deputy Commissioner in respect of said plot of land shall not be proceeded with without leave of the Court.

In the earlier order dated 18.11.2024 due to typographical error it was mentioned that Interim bail prayer will be considered on the next week instead interim prayer. The same stands corrected. Interim prayer of the petitioner will be considered on the next date fixed.

List this matter together with WP(C) 5748 of 1023 weeks.

JUDGE

Comparing Assistant