

GAHC010228872019



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

Case No. : WP(C) 7062/2019

1:BASER ALI
S/O LT. SABAR ALI, R/O VILL. KATHONIBARI, P.O. AND P.S. THELAMARA,
DIST. SONITPUR, ASSAM, PIN-784149

VERSUS

1:THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECRETARY GOVT. OF ASSAM, DISPUR, GUWHATI-6

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT. DISPUR
GUWAHATI-781006
ASSAM

3:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR
PIN-784001

4:THE CIRCLE OFFICER
THELAMARA REVENUE CIRCLE
DIST. SONITPUR
ASSAM
PIN-784149

5:LAKSHYA JYOTI DAS
CIRCLE OFFICER
THELEMARA REVENUE CIRCLE
DIST. SONITPUR
ASSAM
PIN-784149

6:KESHAB KOCH
S/O LT. MANGAL KOCH
R/O VILL. KATHONIBARI
P.O. AND PS THELAMARA
DIST. SONITPUR
ASSAM PIN-78414

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 18-09-2019

Heard Mr. R.P. Sarma, learned Sr. counsel for the writ petitioner.

By referring to the revenue paying receipt annexed as Annexure-'A', Mr. Sarma submits that his client has occupying a private patta land but the respondent No. 4 is seeking to evict the petitioner from the said land by issuing the impugned summon by usurping the jurisdiction of this civil court.

Ms. M. Bhattacharjee, learned Govt. Advocate, Assam prays for some time to obtain instruction.

Issue notice returnable in 06 weeks.

Since Ms. M. Bhattacharjee, learned Govt. Advocate has accepted notice on behalf of respondent Nos. 1, 3 and 4 and Ms. N. Bordoloi, learned standing counsel, Revenue Department has accepted notice on behalf of respondent No. 2, no formal notice is required to be sent in this case.

Extra copies of the writ petition be furnished to the learned standing counsel.

Petitioner to take steps for service of notice upon the respondent Nos. 5 and 6 by registered post with A/D as well as by usual process.

Steps within a week from today.

Heard on the prayer of interim relief.

Until the returnable date *status quo* as regards the possession of the petitioner over the land be maintained.

JUDGE

GS

Comparing Assistant