

GAHC010238652022



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

Case No. : WP(C)/7518/2022

ASSAM MORAN SABHA AND ANR.
HEAD OFFICE- SORBANANDA SINGHA ROAD, TINSUKIA, ASSAM,
REPRESENTED BY ITS PRESIDENT,
SHRI RAJIB BORAH, S/O- LATE HOLADHAR BORAH,
RESIDENT OF TORAJAN VILLAGE,
P.O- BORGAON, P.S.- BAREKURI,
DISTRICT- TINSUKIA, ASSAM.

2: MORAN STUDENT UNION
HEAD OFFICE- RUDRA SINGHA PATH
TINSUKIA
ASSAM
REPRESENTED BY ITS PRESIDENT
SRI NABA MORAN
S/O- SRI GOPEN MORAN
R/O- VILL.- DRIAK HUNJAN
P.O.- NABAJYOTI
DIST.- TINSUKIA
ASSAM- 786152

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY ITS COMMISSIONER AND SECRETARY,
REVENUE AND DISASTER MANAGEMENT (S) DEPARTMENT,
DISPUR, GUWAHATI, ASSAM- 781006.

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DM (S) DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DEPUTY COMMISSIONER

KAMRUP METRO
GUWAHATI
ASSAM- 781001.

4:THE ADDITIONAL DEPUTY COMMISSIONER
KAMRUP METRO
GUWAHATI
ASSAM- 781001.

5:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
KAMRUP(M)
ASSAM- 781028

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate)

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 22-11-2022

Heard Mr. KK Mahanta, learned senior counsel assisted by Mr. K Singha, learned counsel for the petitioners, who submits that the eviction Notice dated 10.11.2022 should be set aside, inasmuch as, the petitioners have already been allotted a part of the land from which they are sought to be evicted. The petitioners' case is that they belong to the Moran Community and the Government has allowed 3 Kathas of land covered by Dag No. 192/983 (Part), which was renumbered as Dag No. 406 (new) of village Dakhingaon of Beltola Mouza, Kamrup, Assam for construction of a rest house for the Moran Community. Thereafter, another portion of land was given to the petitioners and as such, the total area of land given to the petitioners amounted to 4 Bighas 1 Katha 15 Lechas. The Government thereafter sanctioned Rs. 50 lakhs for construction of Moran Bhawan in

phase-I and a boundary wall has already been constructed in the year 2020 covering the entire area given to the petitioners as per the estimate prepared by the PWD. The petitioners' counsel submits that while allotment of the entire land is to be made regular, the impugned eviction Notice has been issued.

Mr. M Chetia, learned counsel appearing for respondent Nos. 3 to 5 and Ms. N Bordoloi, learned counsel appearing for the respondent Nos. 1 & 2 shall obtain instructions in the matter.

List the matter on ***6th December, 2022.***

In the interim, the eviction Notice dated 10.11.2022 shall not be acted upon till the next returnable date.

JUDGE

Comparing Assistant