

GAHC010058122022



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

Case No. : WP(C)/2097/2022

KARABI BARUAH
W/O. DR NRIPENDRA NATH PATHAK, D/O. DR. THANESWAR BARUAH, R/O.
JAWAHAR NAGAR ROAD, OPPOSITE ASSAM ADMINISTRATIVE STAFF
COLLEGE, KHANAPARA, GUWAHATI-781022, DIST. KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REP. BY THE COMMISSIONER AND SECRETARY, TO THE GOVT. OF ASSAM,
REVENUE DEPTT., DISPUR, GUWAHATI-781006.

2:THE DY. COMMISSIONER

KAMRUP (M)
GUWAHATI
ASSAM
PIN-781001.

3:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE
DISPUR
GUWAHATI-786006.

4:DALIMI GARO

D/O. LT. FAKIRA KACHARI @ FAKIRA GARO
W/O. SRI PAWAN AGARWAL
PERMANENT R/O. FLAT NO.A/6-017
S.B. HOUSING COMPLEX
TRIPURA ROAD
KHANAPARA

GUWAHATI-781022 AND PRESENTLY RESIDING AT HOUSE NO.7
JYOTI PATH (NEAR SUDERASHAN PUBLIC SCHOOL)
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022.

5:SMT. MINIA ROY
W/O. DHANPAT
R/O. KHANAPARA
GUWAHATI-71022
DIST. KAMRUP (M)
ASSAM.

6:BEGUM NASIMA AHMED

W/O. GAZI GIYASUDDIN AHMED
C/O. DEPTT. OF RADIATION ONCOLOGY
DMRD
DMRT
NORTH EAST CANCER HOSPITAL AND RESEARCH INSTITUTE
11TH MILE
AMERIGOG
JORABAT
GUWAHATI-781023.

7:RAJU DAS
S/O. LT. HARA NATH DAS
R/O KHANAPARA
GUWAHATI-781022
DIST. KAMRUP (M)
ASSAM.

8:RANJAN DAS

S/O. LT. HARA NATH DAS
R/O KHANAPARA
GUWAHATI-781022
DIST. KAMRUP (M)
ASSAM.

9:RAJIB KUMAR DAS

S/O. LT. HARA NATH DAS
R/O KHANAPARA
GUWAHATI-781022
DIST. KAMRUP (M)
ASSAM.

10:RANJIT DAS

S/O. LT. HARA NATH DAS
R/O KHANAPARA
GUWAHATI-781022
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. A BISWAS, MR. N SARKAR,MR P K BASU,MR N M DEKA

Advocate for the Respondent : SC, REVENUE, MS M HAZARIKA,MR. M K BORAH,GA,
ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 07.08.2024

Heard Mr. A. Biswas, learned counsel for the petitioner. Also heard Ms. M. Hazarika, learned Senior Counsel assisted by Mr. M. K. Borah, learned counsel for the respondent no. 4. None has appeared on behalf of the respondents no. 5 to 10.

2. The learned counsel for the petitioner as well as the learned counsel for the respondent, at the outset, has submitted that the issue involved in the present proceeding, pertaining to the demarcation of the land in their possession is required to be so considered by the Revenue authorities, more particularly, the Circle Officer, Dispur Revenue Circle. The parties have also drawn the attention of this Court to a notice dated 11.02.2022, issued by the Circle Officer, Dispur Revenue Circle, requiring the petitioner along with other persons interested to appear before him and file objections, pertaining to the applications submitted by the respondent

no. 4, herein for demarcation of her property.

3. The petitioner, in response to the said notice has submitted an objection.

4. It is contended by the learned counsel for the petitioner that only the notice, pertaining to the demarcation was given to her but, a copy of the application filed in the matter along with its enclosures, if any, were not furnished to the petitioner.

5. The learned counsels for the parties, by drawing the attention of this Court to the notice dated 06.11.2019, issued in connection with Boundary Case No. 61/2019, by the Circle Officer, Dispur Revenue Circle, has contended that parcel of land involved in both the notices dated 06.11.2019 and 11.02.2022 is the same.

6. The learned counsel Mr. M. K. Borah, appearing for the respondent no. 4, submits that the copy of the applications filed, leading to the registration of the Boundary Case No. 61/2019 and Boundary Case No. 13/2022, shall be handed over to the learned counsel for the petitioner within 2(two) working days from today. Thereafter, the writ petitioner would be at liberty to file fresh objections in both the Boundary cases noted above, within a period of 15(fifteen) days from the date of receipt of the copies of the application from the learned counsel for the respondent no. 4.

7. The Circle Officer, Dispur Revenue Circle, on receipt of the objections from the petitioner, herein, shall fix a date for hearing in both the Boundary Case No. 61/2019 and Boundary Case No. 13/2022 and issue

notices to the petitioner as well as other persons interested in the parcels of land involved, including the respondent no. 4. Both the said cases be heard analogously. The Circle Officer, Dispur Revenue Circle, upon hearing the parties to the proceeding, and on consideration of the issues involved in the light of the materials coming on record, proceed to pass appropriate order(s) in the matter, in accordance with law. The demarcation as now may be called for basing on the decision arrived at in the matter, be so effected.

8. The Circle Officer, Dispur Revenue Circle, shall complete the hearing and pass appropriate order(s) in the matter within a period of 3(three) months from the date of receipt of the objections from the petitioner, herein, in terms of the directions passed above.

9. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant