

GAHC010008012023



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

Case No. : WA/198/2023

1: PANCHARATNA KRISHI PAM S.S LTD AND ORS .
DOLGAON, DARRANG, REPRESENTED BY

2: GOLAM HADI CHOWDHURY
VILL-KEHUTOLI P.O. AND P.S.-DHULA
DIST-DARRANG ASSAM PIN-784146

3: INSAN ALI
VILL-NIJ-BARUAJHAR P.S.-KHARUPETIA
DIST-DARRANG ASSAM PIN-784115

4: GIASUDDIN AHMED
VILL-POKA BHANGUR P.S.-SIPAJHAR
DIST-DARRANG ASSAM PIN-784145

5: HARUN AR RASHID
VILL P.O. AND P.S.-KHARUPETIA
DIST-DARRANG ASSAM PIN-784115

6: ABUL KASEM
VILL-ROHINI KASH P.S.-DOLGAON
DIST-DARRANG ASSAM PIN-78411

VERSUS

1: THE STATE OF ASSAM AND 3 ORS . E TO BE REPRESENTED BY THE
PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., DISPUR, GUWAHATI-781006

2:DEPUTY COMMISSIONER
DARRANG MANGALDOI ASSAM PIN-784125

3:DEPUTY COMMISSIONER
UDALGURI ASSAM PIN-784509

4:CIRCLE OFFICER
DOLGAON DIST-DARRANG ASSAM PIN-78412

For the Appellant(s) : Mr. M.H. Saikia, Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue & Disaster Management Department for respondent No.1.

: Mrs. R.B. Bora, Junior Govt. Advocate, Assam for respondent Nos.2, 3 & 4.

- **B E F O R E** -

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM**

29.05.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the appellants being aggrieved with the order dated 28.03.2022 passed by the learned Single Judge in WP(C) No.879/2022, whereby the learned Single Judge has dismissed the writ petition filed by the appellants on the ground of inordinate delay of 21(twenty-one) years in approaching the Court.

The petitioner Society (appellants herein) filed the writ petition raising a grievance that in the year 2000, precisely on 20.12.2020, the Sub-Divisional Land Advisory Committee, Udaguri, vide resolution No.41, accorded approval to the recommendation for settlement of reserved Government land measuring 25 Bighas at Dag No.129 of Village - Rohini Kash; 25 Bighas at Dag No.475 of Village - Nij Baruahjhar and 25 Bighas at Dag No.566 under Gadhoijhar Gaon, all of Mouza - Pachim Sialmari to Md. Golam Hadi Choudhury and others, in total 4(four) SULFA, subject to the condition that they shall form a Co-operative Society, however, although the Co-operative Society, having 50 Members was formed and the same was duly registered but the possession of the land, decided to be allotted to the Co-operative Society vide resolution No.41 dated 20.12.2000, has not been handed over to them.

The learned Single Judge, having considered the facts and circumstances of the case, has dismissed the writ petition on the ground that the appellant Society has approached this Court with an inordinate delay of 21(twenty-one) years. While dismissing the writ petition, the learned Single Judge has also taken note of the order dated 23.02.2001 passed by this Court in WP(C) No.1061/2001, whereby the Court had directed the respondent authorities therein not to evict the petitioners of the said petition without following due procedure of law. The learned Single Judge has observed that apart from the delay, any order passed in this petition may affect the rights of the persons who have approached this Court by way of filing a separate writ petition and, therefore, no relief can be granted to the appellant Society.

Having heard the learned counsel appearing for the parties, we do not find any case for interference with the impugned order passed by the learned Single Judge. Hence, the writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant