

GAHC010036142024



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

Case No. : WP(C)/921/2024

DIPANKAR DAS
SON OF LATE JYOTISH CH. DAS, RESIDENT OF VILLAGE- SUWALKUCHI,
PO- AND PS- SUWALKUCHI, DIST.- KAMRUP RURAL ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DISTRICT COMMISSIONER OF KAMRUP METRO
LICHU BAGAN
HENGRABARI
GUWAHATI
ASSAM
PIN- 781036

3:THE COMMISSIONER OF POLICE
GUWAHATI
PANBAZAR
GUWAHATI
ASSAM
PIN- 781001

4:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
BASISTHA CHARIALI
GUWAHATI
DIST.- KAMRUP METRO ASSAM
PIN- 78102

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 21-02-2024

Heard Mr. H.R. Choudhury, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2 – 4.

2. The petitioner claiming to be the owner of a plot of land measuring 3 Kathas 10 Lessas, covered by Dag no. 3374 & Patta no. 391, situate at Town – Fatashil, Mouza – Beltola, Police Station – Fatashil, Dispur Revenue Circle [‘the subject-plot’, for short], has contended that on 17.02.2024, some personnel seems to be officials accompanied by police personnel, visited the subject-plot and asked the families residing in the subject-plot to vacate therefrom. Apprehending adverse action, the petitioner has approached this Court by the instant writ petition.

3. Mr. Goswami who was asked to obtain instruction yesterday [20.02.2024] as to whether any eviction/demolition exercise was being contemplated by the jurisdictional Circle Officer with assistance of the police personnel from the jurisdictional police station.

4. Today, Mr. Goswami has submitted that he received instruction from of the Officer In-Charge, Fatasil Ambari Police Station, Guwahati. He has placed a copy

of the Communication dated 20.02.2024.

5. The contents of the Communication received from the Officer In-Charge, Fatasil Ambari Police Station read as under :-

Dated 20th February 2024.

Sub-Submission of report.

Ref-Your kind Letter No. JR/GA/NG/2024/1482-1483 dtd. 20-02-2024.

Sir,

With due respect I have the honour to report that on 13-02-2024 a Memo was received from Munsiff No. 2, In-Charge Civil Nazrat, Kamrup [Metro] Guwahati vide Memo No. DJK/N/121-22 dated 12-02-2024, for providing Police help during execution of Judgement & decree i/c with Title Execution No. 14/2022 and requested OC Fatasil Ambari PS to depute 1 No. S.I. of Police for the purpose. [A copy of the said Memo is enclosed herewith].

After receiving the said Memo self along with ASI Jalilur Rahman and other police personnel received from Police Reserve Guwahati went to the said place as shown by the Lot Mandal of Dispur Circle Office and Nazir of DC Office on 17-02-2024 at about 11.30 AM. But later the Lot Mandal and Nazir stated that there is some mistake in the Schedule of Land as mentioned in the order. So, they postponed the execution of the decree i/c with Title Execution No. 14/2022. After that the whole police party returned to their respective places.

Submitted for favour of your kind perusal and oblige.

Yours faithfully,
Sd/-
Inspector
Officer In-Charge
Fatashil Ambari P.S.
Guwahati West Dist.

6. As it is informed by the Officer In-Charge, Fatasil Ambari Police Station that the police personnel had gone to the subject-plot in order to execute the Judgement & Decree passed in Title Execution No. 14/2022, by mistake,

meaning thereby, the visit to the petitioner's plot of land was by mistake, there appears to be no further cause of action to proceed with the writ petition.

Accordingly, the writ petition is closed.

JUDGE

Comparing Assistant