

GAHC010043192024



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

Case No. : WP(C)/1235/2024

SAFILE DAS AND 3 ORS
W/O- LATE GAUR CHANDRA DAS

2: TONMAY DAS
S/O- LATE GAUR CHANDRA DAS

3: KRISHNA DAS
W/O- LATE NITAI CH. DAS

4: BASUDEV DAS
S/O- LATE NITAI CH. DAS

ALL ARE R/O VILLAGE GOSSAIGAON WARD NO-1

P.O- GOSSAIGAON
DIST- KOKRAJHAR
BTC
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE
AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-06

2: THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR

GUWAHATI-06

3:THE DISTRICT COMMISSIONER
KOKRAJHAR

P.O AND DIST- KOKRAJHAR
BTR
ASSAM
PIN-783360

4:THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

5:THE CIRCLE OFFICER
GOSSAIGAON REVENUE CIRCLE

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

6:THE SUB - DIVISIONAL OFFICER (CIVIL)
GOSSAIGAON

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

7:SRI AJAY KUMAR DAS S/O- LATE SUDHIR CH. DAS
R/O-GOSAIGAON
WARD NO.1
KOKRAJHAR
ASSAM
PIN-783360

8:SRI BIJAY KUMAR DAS S/O LATE SUDHIR CH DAS
R/O-GOSAIGAON
WARD NO.1
KOKRAJHAR
ASSAM PIN-78336

Linked Case : I.A.(Civil)/1303/2024

AJOY KUMAR DAS AND ANR
S/O LATE SUDHIR CH. DAS
R/O GOSSAIGAON
WARD NO. 1
GOSSAIGAON
KOKRAJHAR
ASSAM
PIN 783360

2: SHRI BIJOY KUMAR DAS

S/O LATE SUDHIR CH. DAS
R/O GOSSAIGAON
WARD NO. 1
GOSSAIGAON
KOKRAJHAR
ASSAM
PIN 783360
VERSUS

SAFILE DAS AND 9 ORS
S/O- LATE NITAI CH. DAS
ALL ARE R/O VILLAGE GOSSAIGAON WARD NO-1
P.O- GOSSAIGAON
DIST- KOKRAJHAR
BTC
ASSAM

2:TONMAY DAS
S/O- LATE GAUR CHANDRA DAS

3:KRISHNA DAS
W/O- LATE NITAI CH. DAS

4:BASUDEV DAS
S/O- LATE NITAI CH. DAS

ALL ARE R/O VILLAGE GOSSAIGAON WARD NO-1

P.O- GOSSAIGAON
DIST- KOKRAJHAR
BTC
ASSAM

5:THE STATE OF ASSAM

REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06

6:THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR

GUWAHATI-06

7:THE DISTRICT COMMISSIONER
KOKRAJHAR

P.O AND DIST- KOKRAJHAR
BTR
ASSAM
PIN-783360

8:THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

9:THE CIRCLE OFFICER
GOSSAIGAON REVENUE CIRCLE

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

10:THE SUB - DIVISIONAL OFFICER (CIVIL)
GOSSAIGAON

P.O AND DIST- KOKRAJHAR
BTC
ASSAM
PIN-783360

For the petitioner (s) : Mr. M. Khan, Advocate

For the respondent (s) : Mr. P. Nayak, Advocate
Ms. N. Bordoloi, Advocate
Mr. H. Sarma, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

05.08.2024

Heard Mr. M. Khan, the learned counsel appearing on behalf of the petitioners and Ms. N. Bordoloi, the learned counsel appearing on behalf of the respondent Nos.1 & 2. Mr. H. Sarma, the learned counsel appears on behalf of the respondent Nos.3, 5 & 6 as well as Mr. P. Nayak, the learned counsel appears on behalf of the respondent No.4.

2. The instant writ petition has been filed by the petitioners being aggrieved by the delay caused in disposal of the revision petition bearing Revision Petition No.113/1978 pending before the Government as well as the representation dated 27.09.2023. It is under such circumstances the instant writ petition has been filed seeking a direction upon the concerned respondent authorities to dispose of the said revision petition as well as the representation within a timeframe.

3. Mr. P. Nayak, the learned counsel appearing on behalf of the respondent No.4 submitted that the Ceiling Case No.KRC-75/1975-76 has been submitted to the PPS to the Chief Minister of Assam with a prayer for disposal of the said Ceiling Case. It is also seen that for the instructions which is dated 06.04.2024, 3(three) months time was sought for completion of the hearing process. It has been submitted that the counsel for the BTC is unaware as to whether the hearing process has been completed or not.

4. This Court duly takes note of that revision proceedings have been initiated by the petitioners in terms with the provisions of the Assam Fixation of Land Ceiling Act, 1956. The authority concerned is required to dispose of the said proceedings at the earliest. However, in the instant case, it is seen that the revision petition was filed as far back as in the year 1978. Almost 46 years have passed by and the revision petition is yet to be disposed of. It is the opinion of this Court that such delay in disposal of a proceeding provided under the statute affects the effectiveness as well as the efficaciousness of a remedy available under the statutes.

5. Under such circumstances, this Court therefore disposes of the instant with petition thereby directing the respondent Nos.1 & 4 to take appropriate steps so that the said revision proceedings are disposed of as early as possible and not later than 3(three) months from the date of the instant order.

6. The counsel appearing on behalf of the petitioners is directed to serve a certified copy of the instant order upon Mr. P. Nayak, the learned counsel representing the respondent No.4 and Ms. N. Bordoloi, the learned counsel representing the respondent No.1 so that the direction so passed in the instant order is duly complied with.

JUDGE

Comparing Assistant