

(2025) 03 GAU CK 0446
In the Gauhati High Court
Case No : WP(C) Of 7068 Of 2024

Parikshit Chandra Das

APPELLANT

Vs

The State Of Assam And 3 Ors

RESPONDENT

Date of Decision : 28-03-2025

Acts Referred:

Citation : (2025) 03 GAU CK 0446

Hon'ble Judges : Manish Choudhary, J

Bench : Single Bench

Advocate : J Sarmah

Final Decision : Disposed Of

Judgement

Manish Choudhary, J

1. Heard Mr. J. Sarmah, learned counsel for the petitioner; Ms. P.R. Mahanta, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; and Mr. S.R. Rabha, learned Standing Counsel, BTC for the respondent nos. 2 – 4.

2. Let notice be issued. As the learned counsel for the respondents have submitted that they have proper instructions for final consideration of the writ petition, the notice is made returnable forthwith.

3. The petitioner has projected that he belongs to the Scheduled Castes community and is a permanent resident of Tangla town for about more than 39 years. The petitioner has stated that he is in continuous occupation of a plot of land measuring 7 Bighas, covered by Government Dag no. 1 [Part], situate at Revenue Village – Kachubil Nepaligaon, Mouza – Harisinga, District – Udalguri [‘the subject-plot’, for short]. The petitioner has further stated that in the course of his continuous occupation of the subject-plot, he had developed the subject-plot to a great extent investing his resources and thereafter, applied for settlement of the subject-plot in his favour before he respondent Bodoland

Territorial Council, Kokrajhar.

4. The application of the petitioner for settlement of the subject-plot in his favour was duly verified and considered by the Circle Officer, Harisinga Revenue Circle, Tangla and a report was submitted thereafter, to the Secretary, Land Revenue and Disaster Management Department, BTC vide Office Letter no.HRC/LS-26/2020/1031 dated 18.11.2020 for consideration. The application of the petitioner for settlement and the report of the Circle Officer, Harisinga Revenue Circle, Tangla were considered by the respondent BTC authorities and by an Order dated 08.04.2022 of the Land Revenue and Disaster Management Department, BTC issued under the hand of the Joint Secretary [Revenue], BTC, Kokrajhar, the respondent BTC authorities ordered for settlement of the subject-plot in favour of the petitioner, subject to payment of 100% land value as premiums. It was further observed that the rebate on payment of premium for settlement of the land to Scheduled Caste/Scheduled Tribe community shall stand as per rule in force and subject to approval of the Sub-Divisional Land Advisory Committee [SDLAC]. The Land Revenue and Disaster Management Department, BTC also fixed the valuation of premium @ Rs. 70,000/- per bigha and for the subject-plot, it fixed the total premium @ Rs. 4,90,000/-. By the Order dated 08.04.2022, the Circle Officer, Harisinga Revenue Circle, Tangla was directed and deposit the premium through treasury challan or bank draft in favour of the Principal Secretary, BTC, Kokrajhar and to correct the land records for realization of the premium.

5. The petitioner has stated that pursuant to the Order dated 08.04.2022, he deposited the entire premium amount of Rs. 4,90,000/- through a bank draft no. 246697 dated 27.04.2022.

6. It is noticed from the receipt dated 12.05.2022 issued by the Secretary [Revenue], BTC, Kokrajhar that the said authority had acknowledged the receipt of the total premium of Rs. 4,90,000/- through demand draft dated 27.04.2022 as premium for settlement of the subject-plot in favour of the petitioner.

7. It is in the above backdrop, the petitioner has approached this Court seeking a direction to the respondent BTC authorities to correct the land records pertaining to the subject-plot in his favour in terms of the Order dated 08.04.2022 and to issue a periodic patta in favour of the petitioner.

8. Mr. Rabha, learned Standing Counsel, BTC who was asked to obtain instructions regarding the reasons for not carrying out the corrections in the land records and delayed issuance of the periodic patta in favour of the petitioner, has submitted, on instructions, that the correction in the land records and necessary periodic patta can be issued only after placing the case of the petitioner before the SDLAC and the meeting of the SDLAC is going to be held soon. It is submitted by him that in view of the Order passed on 08.04.2022 by the Land Revenue and Disaster Management Department, BTC, this writ petition can be disposed of with a direction to bring the process of land correction and issuance

of periodic patta to its logical conclusion within a reasonable period of time. Mr. Rabha has further submitted that a period of 2 [two] months would be a reasonable period for bringing the entire process to its logical conclusion, on merits.

9. Mr. Sharma has agreed to the submission made by Mr. Rabha, learned Standing Counsel, BTC.

10. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner and considering the fact that by the Order dated 08.04.2022, the respondent Land Revenue and Disaster Management Department, BTC has already ordered settlement of the subject-plot subject to deposit of the premium, which the petitioner has already deposited, approval of the SDLAC, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent BTC authorities to bring the matter of settlement, correction of land records and issuance of periodic patta to its logical conclusion, on merits, as expeditiously as possible, preferably within an outer limit of 2 [two] months from the date of submission of a copy of this Order by the petitioner at the office of the respondent no. 2. It is accordingly ordered.

11. The writ petition is disposed of in the aforesaid terms. There shall be no order as to cost.