

(2021) 08 GAU CK 0019

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3561 Of 2021

Satya Talukdar @ Satya Ram Talukdar

APPELLANT

Vs

State Of Assam And 12 Ors

RESPONDENT

Date of Decision : 05-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 226
Indian Penal Code, 1860 — Section 420, 448, 506

Citation : (2021) 08 GAU CK 0019

Hon'ble Judges : Manish Choudhury, J

Bench : Single Bench

Advocate : S B Sinha

Judgement

1. The Court proceedings have been conducted through online court proceeding services.

2. Heard Mr. P. Sharmah, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned Standing Counsel, Revenue Department for the

respondent nos. 1 and 3; Mr. K. Gogoi, learned Additional Senior Government Advocate for the respondent nos. 2 & 4 - 8; and Mr. H.K. Sarma,

learned Standing Counsel, APDCL for the proforma respondent nos. 12 & 13.

3. Issue notice, returnable on 06.09.2021.

4. As respondent nos. 1, 2, 3, 4, 5, 6, 7, 8 and proforma respondent nos. 12 and 13 are represented by their respective learned counsel, mentioned

above, no formal notice need to be issued to the said respondents. The petitioner shall, however, furnish extra copies of the writ petition to Mr.

Borpujari, Mr. Gogoi and Mr. Sarma within 3 (three) days.

5. The petitioner shall take steps for service of notice upon the respondent nos. 9, 10 and 11 by registered post with A/D within 3 (three) days from

today.

6. The projection made on behalf of the petitioner is that he is in possession of a plot of land measuring 1 bigha 1 katha 15 lechas, bearing Touzi Patta

no. 221 and Dag no. 768, situated in Revenue village â?" Bongora, Mouza â?" Chayani, Palashbari Revenue Circle, District â?" Kamrup, Amingaon

(â?"the subject-plotâ?", for short) since 1971 by constructing dwelling house and by obtaining electricity connection. The petitioner has been staying

in the subject plot with his family members. He is stated to have submitted an application before the respondent no. 5 on 14.12.2020 seeking

settlement of the subject-plot in his favour. Since then, the petitioner has been facing troubles with regard to possession of the subject-plot from

different quarters. On 10.06.2021, the respondent no. 11 made an effort to take possession of a part of the subject-plot and the family members of the

petitioner had failed in such attempt of the respondent no. 11. Since then, the respondent no. 9, an Assistant Sub-Inspector of Police attached to

Palashbari Police Station, has been harassing the petitioner and his family members in different ways asking them to give possession of a part of land

out of the subject-plot to the respondent no. 11. In that connection, the petitioner has instituted a title suit, Title Suit no. 49/2021 before the Court of

learned Civil Judge, Kamrup, Amingaon. On 02.07.2021, police personnel from Palashbari Police Station, led by the respondent nos. 9 and 10,

forcefully entered into the residence of the petitioner and had forcefully taken signatures from the petitioner on some blank papers. The petitioner

instituted a complaint before the respondent no. 6 about the incident in writing and the same has been registered as Palashbari Police Station Case no.

454/2021 under Sections 448/420/506, IPC on 04.07.2020. It is further stated by the petitioner that two of his sons were taken into custody by the

police personnel on 02.07.2021. After keeping them in custody and medically examining them, they were allowed to go after few hours. On

16.07.2021, the respondent no. 7 along with the respondent no. 11 came to the subject-plot and tried to construct a dwelling house over a part of the

land out of the subject-plot. The respondent no. 7 stated to have threatened the petitioner to be evicted. The petitioner has come to learn that the

respondent authorities are forcibly trying to dispossess the petitioner from a part of land out of the subject-plot in order to show that the respondent no.

11 is in possession of that part of the land within the subject-plot since an earlier point of time so as to process a proposal for settlement for that part

of the land in favour of the respondent no. 11. Asserting that the respondent nos. 7 and 8 in collusion with the private respondents are trying to evict

and dispossess the petitioner and his family members from the part of land out of the subject-plot, the petitioner has approached this Court by this writ

petition under Article 226 of the Constitution of India.

7. Mr. Sharmah, learned counsel for the petitioner has submitted that though efforts are being made by the above respondents to dispossess him, the

petitioner is still in possession of the entire subject-plot.

8. Having regard to the projections made above, it is provided, in the interim, that the parties shall maintain status-quo as on today as regards

possession in respect of the subject plot till the returnable date.