GAHC010263652018

2026:GAU-AS:15711

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

Case No. : WP(C)/8193/2018

NIRUTPOL GOSWAMI
S/O. LT. BHARAT CHANDRA GOSWAMI, VILL. SARUMATARIA, P.O. AND P.S. DISPUR, GUWAHATI-781006, DIST. KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE DEPTT., DISPUR, GUWAHATI-06, ASSAM.

2:THE SECRETARY
TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATIVE DEPTT.
DISPUR
GHY.-06.

3:THE DY. COMMISSIONER

KAMRUP (M)
DIST. KAMRUP (M)
ASSAM.

4:THE ADDL. DY. COMMISSIONER (REVENUE)

KAMRUP (M)
ASSAM.

5:THE CIRCLE OFFICER

DISPUR RENENUE CIRCLE
KAMRUP (M)
ASSAM

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. R. Phukan, Advocate

For the Respondent(s) : Mr. J. Handique, Jr. GA, Assam
: Ms. G. Hazarika, SC, Revenue

- Date on which Judgment was reserved : NA
- Date of Pronouncement of Judgment : **14.10.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : Yes
- Whether the full Judgment has been Pronounced : NA

JUDGMENT AND ORDER (ORAL)

Heard Mr. R. Phukan, the learned counsel appearing on behalf of the Petitioner and Ms. G. Hazarika, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Mr. J. Handique, the learned Junior Government Advocate appearing on behalf of the Respondent Nos. 2 to 5.

2. The Petitioner herein has approached this Court being aggrieved by the inaction on the part of the respondent authorities in not granting settlement of the land to the Petitioner, and on the other hand, threatening to evict the Petitioner from the said land.

3. The case of the Petitioner herein is that he is in possession of a plot of land measuring 1 Katha 5 Lechas covered by Dag No.132 situated at Village Sarumataria under Beltola Mouza by constructing dwelling houses since the year 1999.

4. The Petitioner herein purchased the possessory right in the year 1999 over a plot of land admeasuring 1 Katha 5 Lechas covered by Dag No.132 situated at Village Sarumataria under Beltola Mouza and had constructed a dwelling house since the date of purchase. The said land admittedly was a Government land and under such circumstances, the purchase so made in the year 1999 from another person has no relevance except the same may be seen as regards the possession of the Petitioner for collateral purposes. The Land Advisory Committee recommended the name of the Petitioner along with nine others for settlement of land.

5. It transpires that the Land Advisory Committee held a meeting on 24.10.2005, i.e. almost after 6 years from the date of application so filed by the Petitioner. In the said meeting of Land Advisory Committee, the proposal for settlement of land in favour of the Petitioner was discussed and it was recommended that the plot of land measuring 1 katha 5 lechas covered by Dag No.132 for settlement vide the Resolution No.28. This aspect of the matter

would be seen from the communication issued by the Deputy Commissioner, Kamrup (Metro), Guwahati dated 17.01.2006 to the Secretary to the Government of Assam, Revenue (Settlement) Department.

6. It is the further case of the Petitioner that his settlement application continued to be pending in spite of recommendation given by the Land Advisory Committee. But in respect to the same Dag Number, there has been certain settlement issued in favour of various persons of land measuring around 18 Lechas. The Petitioner along with others thereafter submitted a representation for consideration of their settlement proposal vide the representation dated 26.12.2016. However, neither the representation was considered nor the settlement proposal of the Petitioner was allowed for which the Petitioner has approached this Court by filing the instant writ petition.

7. It is the further case of the Petitioner that on one hand the Respondent Authorities are not taking steps for granting settlement to the Petitioner though 27 years have passed by pursuant to the submission of the application, and on the other hand, the Petitioner was under threat of being evicted from the said land.

8. It appears from the record that this Court vide an order dated 30.11.2018 had issued notice, and in the interim, it was directed that the Petitioner shall not be evicted from the land in question. The said order continued to be holding the field till date.

9. It is also relevant to take note of that an affidavit-in-opposition was filed by the Respondent No.4, i.e. the Additional Deputy Commissioner, Kamrup (Metro), Guwahati. Surprisingly nothing has been stated in the said affidavit-in-opposition save and except stating that in the remark column of the 'Chitha' it is written "as reserved for 'Capital' in favour of the GAD in Dag No.132 (old)/35 (new) of Village-Sarumataria under Beltola Mouza". It was mentioned that the Petitioner is in possession of Government land of Dag No.132(old)/35 (new) covering an area of 3.34 Are of village Sarumataria under Beltola Mouza by constructing RCC building. There is not a single whisper in the said affidavit-in-opposition as regards the settlement proposal of the Petitioner.

10. I have heard the learned counsel for the parties and perused the materials on record. It transpires from the above that the Petitioner had submitted an application for settlement in the month of year, 1999. The said application was submitted upon proper verification through the Lat Mondal wherein it has been mentioned

that the Petitioner has been in occupation over the said land from the year 1999. It further transpires that the Petitioner's application was taken up by the Land Advisory Committee after the period of 6 years in the year 2005 and there was a recommendation being made as could be seen from the communication issued by the Deputy Commissioner, Kamrup (Metro), Guwahati to the Secretary to the Government of Assam, Revenue (Settlement) Department dated 17.01.2006 enclosed as Annexure-3 to the effect that the plot of land measuring 1 Katha 5 Lechas was recommended to be settled in favour of the Petitioner. In spite of that, the Respondent Authorities did not decide the settlement application of the Petitioner whereas it is also seen from the record, more particularly, from Annexure-7 that the Additional Deputy Commissioner, Kamrup (Metro) Guwahati had also written to the Settlement Authority, Guwahati regarding issuance of land patta in respect to the same Dag being Dag No.132 in respect to other persons.

11. This Court also finds it relevant that there has been no denial by the Respondent Authorities to all these documents save and except only stating in the affidavit-in-opposition that the said land has been mentioned in the Remark Column of the 'Chitha' as "reserved for 'Capital' in favour of the GAD" and the Petitioner was

in possession of the land in question by constructing RCC building.

12. Taking into account the above, this Court is of the firm view that the Petitioner has a legitimate expectation for consideration of his application for settlement and the non-consideration of the Petitioner's application by the concerned Respondent Authorities violates the mandate of Article 14 of the Constitution.

13. It further transpires from the present land policy of the year 2019 as has been pointed out by Ms. G. Hazarika, the learned Standing counsel appearing on behalf of the Revenue and Disaster Management that it is also the policy of the Government of Assam to settle land in favour of landless people of an area measuring 1 Katha 5 Lechas. That being the policy and the application of the Petitioner being pending since the year 1999, this Court directs the Respondent Authorities and more particularly the Commissioner & Secretary to the Government of Assam, Revenue and Disaster Management Department as well as to the Deputy Commissioner, Kamrup (Metro), Guwahati to take a decision on the application filed by the Petitioner seeking settlement of a plot of land measuring 1 Katha 5 Lechas in Dag No.132 as per the extant policy. The said decision be taken within a period of 6 (six) months from the date a certified copy of the instant judgment is served

upon the Commissioner & Secretary to the Government of Assam, Revenue and Disaster Management Department as well as the Deputy Commissioner, Kamrup (Metro), Guwahati.

14. Mr. R. Phukan, the learned counsel appearing on behalf of the Petitioner submits that if the Petitioner is not in the meantime protected, the Respondent Authorities would evict the Petitioner.

15. Taking into account that there is a specific direction by this Court to the concerned Respondent Authorities to consider and decide the settlement application of the Petitioner, this Court directs the Respondent Authorities not to take any coercive action against the Petitioner till the outcome of the settlement application is duly intimated to the Petitioner.

16. In view of the above observation and direction, the instant writ petition stands disposed of.

Bijoy Saha

Digitally signed by Bijoy Saha
Date: 2026.10.15 18:08:42 +05'30'

JUDGE

Comparing Assistant