

GAHC010222662021



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

Case No. : WP(C)/7211/2021

GHOSHITO YEPHTO AND 34 ORS
SON OF IHONIVI YEPHTOMI, RESIDENT OF BALIJAN, POLICE STATION-
KHATKHATI, SUB-DIVN- DIPHU, DIST.- KARBI ANGLONG, PIN- 782480.

2: SHIKUTO YEPHTO
S/O- LATE HEZUKHU YEPHTO
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

3: DR. N. THUNGBEN YANTHAN
S/O- NCHAMO YANTHAN
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

4: NCHUMBEMO KIKON
S/O- RENJEMO KIKON
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

5: DANIEL SANGMA
S/O- DENISON SANGMA
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480.

6: V. KHEVISHE YEPHTO
S/O- VITOYI YEPTHONI
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

7: WOTHUNGBEMO EZUNG
S/O- PIPAN EZUNG
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

8: THEMPENO YANTHAN
S/O- Y. YANTHAN
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

9: AKAVI SWU
S/O- T.K. SWU
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

10: KUGHALU AYE
S/O- LATE VINIHO AYE
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

11: S. HEKUTO ACHUMI
S/O- SHIKHULO ACHUMI
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480.

12: ORENYIMO KIKON
S/O- JUM BEM
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

13: VINOKA SWU
S/O- T.K. SWU
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

14: HOKATO ROTOKHA
S/O- LATE TONILO ROTOKHA
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

15: NYIMTSEMO MUZHUI
S/O- ELAMO LOTH
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

16: E. CHENITHUNG NGULLIE
S/O- LATE M. EZAMO NGULLIE
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

17: YANBEMO KIKON @ EAJAM BEM KIKAN
S/O- NYIMTSEMO KIKON
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480.

18: TIMOTHY TARO @ ENIBEMO EZUNG
S/O- LONGBI TARO
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

19: RATAN DAS
S/O- MORAN DAS
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

20: TSENTHUNGO OVUNG
S/O- ROMOSHAM OVUNG
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

21: YIHAMO KIKON @ JAM KIKON
S/O- CHABEN KIKON
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

22: SHAH NAKIB KHAN
S/O- LATE ABDUL ROUF KHAN
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

23: MONJUL HAQUE
S/O- MD. TAMIJUDDIN
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480.

24: KHRIEKETOU
S/O- ZIETHIEO
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

25: HUTOSHE KIBA
S/O- LUHESHE KIBA
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

26: SULANTHUNG LOTHAN
S/O- YANAO YANTHAN
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

27: L. MHASHIO EZUNG
S/O- LIPHAMO EZUNG
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

28: KATOLI MURRY
D/O- HONITO
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

29: K. LICHUMO JAMI
S/O- LATE KHOYAMO JAMI
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480.

30: CHOPATHUNG LOTH
S/O- KHOLA
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

31: VITOLI @ BITAULI CHOPY
W/O- AOTEMSU
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

32: ORENYIMO OVUNG
S/O- YIHAMO OVUNG
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

33: MHONCHUMO KIKON
S/O- Y. KIKON
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

34: NITIVI CHOPHY
S/O- YEGHULHO CHOPHY
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG
PIN- 782480.

35: SHIKHIO V. YEPHO
S/O- VISUTO K. YEPHO
RESIDENT OF BALIJAN
POLICE STATION- KHATKHATI
SUB-DIVN- DIPHU
DIST.- KARBI ANGLONG

PIN- 782480

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT, DISPUR, GHY-06.

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY THE CHAIRMAN
DIPHU
KARBI ANGLONG
ASSAM
PIN- 782460.

3:THE DEPUTY SECRETARY
DEPARTMENT OF REVENUE
KARBIANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM
PIN-782460.

4:THE DEPUTY COMMISSIONER

KARBIANGLONG AUTONOMOUS COUNCIL
ASSAM.

5:THE REVENUE OFFICER

KARBIANGLONG AUTONOMOUS COUNCIL
KARBIANGLONG
ASSAM

6:THE ASSISTANT SETTLEMENT OFFICER

KARBIANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM

Advocate for the Petitioner : MR S BORGHAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

23.12.2021

Heard Mr. S. Borgohain, learned counsel for the petitioners and Ms. S. Sarma, learned Government Advocate, Assam for the respondent Nos. 1 and 4. Also heard Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council (KAAC) for the respondent Nos. 2, 3, 5 and 6.

The Joint Secretary, Department of Revenue, KAAC on 26.11.2021 issued Notice under Sections 18(2) / 18(3) of the Assam Land and Revenue Regulations, 1886 in Miscellaneous Case No.1570 to the persons occupying Government land at Village-Lahorijan Block No.3, Mouza-Borjan under KAAC directing them to vacate such land under their possession within 15 (fifteen) days from the date of receipt of the said Notice, removing any such crops, houses and others etc., standing over said Government land (Annexure-69 series).

Petitioners being aggrieved with the said eviction notice dated 26.11.2021 submitted a joint representation before the Deputy Commissioner, Karbi Anglong on 07.12.2021 to withdraw all such notices served on them dated 26.11.2021 issued in Miscellaneous Case No.1570 informing him that else they will not be left with any other option except to approach the proper forum of law for ventilating their grievances, holding the said authority liable for all costs and consequences thereof without any further reference to him. The said representation of the petitioners dated 07.12.2021 is still pending for disposal.

The petitioners herein, 35 in numbers contended that they are patta holders of land and therefore, the Revenue Authorities in the KAAC as well as the District Administration of KAAC cannot evict them from their patta land by issuing the impugned notice dated 26.11.2021 under Sections 18 (2)/18 (3) of the 1886 Regulations in the Miscellaneous Case No.1570, noted above.

All the petitioners herein stated that they are from Baliijan under Khatkhati Police Station, Sub-Division-Diphu, District-Karbi Anglong and it is not the case of the petitioners

that the Village Baliyan is within the Lahorijan Block of Mouza-Borjan under KAAC, as there is no mention about the same by the petitioners in this petition.

The petitioners, individually, on or before 04.01.2022 shall submit the Dag Number and Patta Number of land at Lahorijan Block of Mouza-Borjan under their possession with their valid land documents, before the Joint Secretary, Department of Revenue, KAAC, obtaining necessary acknowledgement from the said authority in that regard for necessary verification by the authorities concerned in the KAAC.

List this matter on **11.01.2022**, enabling the respondents in the KAAC to apprise the Court regarding possession/occupation of land by the petitioners as to whether they are possessing any Government land at Lahorijan Block of Mouza-Borjan under KAAC, by encroaching the same or possessing the same on the basis of any valid order of the Revenue Authority in the KAAC.

Pendency of this petition shall not be a bar for the Deputy Commissioner, KAAC to dispose of the representation of the petitioner dated 07.12.2021, (Annexure-70 to this petition).

Petitioners shall serve requisite extra copies of this writ petition along with annexures appended thereto to Ms. S. Sarma, learned Government Advocate, Assam for respondent Nos. 1 & 4 and Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council for respondent Nos. 2, 3, 5 and 6, during the course of the day, obtaining necessary acknowledgement from them in that regard.

Subject to taking steps on the respondents as well as submitting the requisite valid land documents with Dag Numbers and Patta Numbers before the Joint Secretary, Department of Revenue, KAAC, on or before 04.01.2022, as directed above, the respondents in the KAAC shall not proceed with the eviction process pertaining to the Notice issued by the Joint Secretary, Department of Revenue under Sections 18(2) / 18(3) of the Assam Land and Revenue Regulations, 1886 dated 26.11.2021 in Miscellaneous Case No.1570 with regard to Patta land of the petitioners at Lahorijan Block No.3 Mouza-Borjan under KAAC and/or whose applications pertaining to the Notice dated 26.11.2021 in said Miscellaneous Case No.1570, noted above, are pending before the Deputy Commissioner, Karbi Anglong and/or the Joint

Secretary, Department of Revenue, KAAC, without following the due procedure of law.

List accordingly.

JUDGE

Comparing Assistant