

WP(C) 3173/2008

BEFORE

HON'BLE MR JUSTICE H N SARMA

Heard Mr HK Deka, learned counsel for the petitioner and Mr VL Sinha, learned GA, Assam.

The dispute as projected in this writ petition relates to acquisition and/or surrendering of land holding the same to be ceiling surplus under the provisions of the Assam fixation of ceiling on Land Holding Act, 1956, as amended from time to time. It is submitted by Mr Deka that although the possession of the excess ceiling land of 1710 B 3 K 10 L was taken over by the ASO, Golaghat, vide possession certificate dated 2.6.76. Thereafter on a joint survey it was found that in Dag No 130, the petitioner is yet to surrender another 371 B 2 K 15 L of land. Accordingly, on the basis of that record, the Deputy Commissioner, Golaghat, by the impugned notice dated 14.7.2008 has directed the petitioner to take immediate steps to hand over the aforesaid area of land within a period of seven days. Admittedly, in order to deal with the factual aspect of the case it is required to go into the records and verification of the land. The impugned order having been passed by the Deputy Commissioner is an appellable order before the Assam Board of Revenue under section 147 of the Assam Land and Revenue Regulation, 1886. In view of the aforesaid remedy available to the petitioner, the petitioner may file an appeal before the appropriate authority within a period of 30 days from today. For the aforesaid period of 30 days, status quo in respect of the disputed land shall be maintained by the parties. The petitioner would be entitled to pray for necessary interim order before the appellate authority. Subject to the aforesaid direction, this writ petition stands disposed of.