

WP(C) 509/2012  
BEFORE  
THE HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioners have recently encroached on vacant land at village Salekura under Jania Mouza in Barpeta District. Claiming to be erosion affected persons of neighbouring villages, they seek settlement of these lands.

Mr. A R Sikdar, the learned counsel submits that the petitioners have given representation to the respondent Authorities for land settlement.

But Ms. H M Phukan, the learned Govt. Advocate has obtained instructions and submits that the land claimed by the petitioners, as per the Government record is covered by Dag Nos.6, 30, 31, 32, 33, 34 & 745 in Salekura Village of Jania Mouza. This land is already allotted in the name of Jania Satra Bangshi Gopal Bigraha. Because of the forcible attempt of the petitioners to encroach the allotted land, prohibitory orders under Section 144 of the CrPC had to be promulgated in respect of 33 Bighas of land allotted to the Jania Satra Bangshi Gopal Bigraha as breach of peace was apprehended. Ms. Phukan had produced the 'Chitha' records to show that the land is already allotted and is not available for allotment, to anyone else.

In view of above position, I am not inclined to entertain this petition and the same is accordingly dismissed.