

WP(C) 4942/2013

BEFORE

HON'BLE MR. JUSTICE B.K. SHARMA

This writ petition is directed against the Annexure-3 communication dated 13.6.2013 made to the President, Managing Committee of Hanuman Mandir by the Circle Officer, Mahmora Revenue Circle, Moranhat. For a ready reference the communication is quoted below:

To

The President, Managing Committee of Hanuman Mandir

Sub- Final notice to vacate Govt. Land falling under the Mandir.

Whereas you have promised to take appropriate steps to vacate the Govt. land according to discussion. But till date no step has been found to be taken. In this respect you have not made any correspondence with this office. On the hand the Deputy Commissioner directed to make eviction drive to clear all Govt. land in terms of the order Hon'ble Supreme Court.

Therefore you are hereby informed to clear Govt land on or before 16.6.2013. Otherwise action will be taken through this office.

Today 13.6.2013 this final notice is issued.

Sd/-Illegible

Circle Officer,

Mahmora Revenue Circle,

Moranhat

According to the petitioner, the land on which, the temple is located is a myadi land and not a Government land. According to the petitioner, he gets the land from one Dhanpat Gupta (Huluwai). On the other hand as depicted in the above quoted communication, the land is a Government land and required to be vacated in terms of the order of the Apex Court.

Mr. P.J. Saikia, learned counsel for the petitioner submits that the communication having not specify material particulars, such as Dag No., Patta No., boundary etc. the same is not maintainable. On the other hand, Mr. D. Bora, learned Standing Counsel, Revenue Department submits that when the communication itself refers to the temple in question, the petitioner is aware of its particulars.

Having regard to the nature of the controversy raised, this writ petition is disposed of granting liberty to the petitioner respond to the impugned communication dated 13.6.2013 by filing representation within 15 days from today. In the event of filing such representation, the authority, which has issued the communication shall consider the same and pass appropriate order. However, if the petitioner does not respond to the said notice within the stipulated period of 15 days, this order shall be ignored.

After filing of the representation, the authority shall decide the issue as expeditiously as possible and till a decision is arrived at, status-quo as on today in respect of the temple in question shall be maintained.