

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 YEPHTHO
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 LOTH
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 BORGOHAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

31-01-2022

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

Though this matter is fixed on 02.02.2022, on the prayer of the learned counsel for the petitioners, it is listed today as first item, as it is submitted that the respondents in the KAAC violating the Court's orders dated 23.12.2021, 18.01.2022 as well as the order dated 29.01.2022 passed earlier in this proceeding, demolished the houses of the petitioner Nos. 1, 2, 6, 11, 22, 23, 25 standing over their Patta land at Lahorijan, Block No.3, Mouza-Borjan during the eviction drive carried out by the authorities of the KAAC yesterday.

It is also placed before the Court by Mr. Borgohain, learned counsel for the petitioners that the petitioner Nos. 1, 2, 3, 4, 5, 6, 8, 22 and 23 submitted their land documents before the Joint Secretary, Revenue as directed earlier on 23.12.2021, whereas the petitioner No. 7 submitted his application before the Deputy Commissioner, Karbi Anglong.

Though the petitioners submitted a list consisting of 12 persons, whose houses were demolished by the respondent KAAC situated over their Patta land, but Srl. Nos. 8 to 12 of the said list are not before this Court in the present writ petition.

Mr. Borgohain, learned counsel for the petitioners shall furnish a detail list of the present petitioners as submitted before the Court today to Mr. J. Chutia, learned Standing counsel, KAAC during the first half of the day, on whose land the alleged eviction was carried out yesterday by the KAAC authorities as well as the name of the petitioners whose permanent structures standing over their Patta land have been demolished during the said eviction drive, so that Mr. Chutia can obtain necessary instruction in the matter and place the same before the Court on 02.02.2022.

If aggrieved by any such eviction drive carried out by the respondents in the KAAC yesterday over their Patta land violating the Court's orders dated 23.12.2021, 18.01.2022 and

29.01.2022, noted above, the petitioners may file a contempt petition by tomorrow furnishing all the details wherein such eviction drive was carried out by the authorities of KAAC.

In the event of filing any such contempt petition by the petitioners, the same shall be registered and be tagged along with this writ petition, if the same is found to be in order as per the appropriate procedure and rules.

List this matter on **02.02.2022** as first item.

JUDGE

Comparing Assistant