

GAHC010029652018



2026:GAU-AS:9545

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

Case No. : WP(C)/959/2018

DHUNSERI TEA AND INDUSTRIES LTD AND ANR
(FORMERLY KNOWN AS TEZPORE TEA COMPANY LTD.
HAVING ONE OF ITS TEA ESTATE AT DARRANG, ASSAM AND REGISTERED
OFFICE AT 4 A, WOODBURN ROAD, KOLKATA- 700020.

2: RAMCHANDRAN MAHADEVAN IYER
COMPANY SECRETARY OF THE PETITIONER NO. 1
S/OLT. S. RAMCHANDRAN
PERMANENT RESIDENT OF FLAT NO. 5
TANDEM APARTMENT
52-E BALLYGUNGE CIRCULAR ROAD
KOLKATA- 700019 AND WORKING FOR GAIN AT 4A
WOODBURN ROAD
KOLKATA- 700020

VERSUS

THE STATE OF ASSAM AND 57 ORS
REP. BY THE COMMISSIONER AND SECRETARY, REVENUE DEPARTMENT,
GOVT. OF ASSAM, DISPUR, GUWAHATI-6.

2:THE ADDITIONAL DEPUTY COMMISSIONER
UDALGURI
DISTRICT - UDALGURI

3:THE SUB-DIVISIONAL OFFICER
UDALGURI
DIST. UDALGURI.

4:THE CIRCLE OFFICER
MAZBAT REVENUE CIRCLE
P.O. MAZBAT
DIST. DARRANG.

5:THE DEPUTY COMMISSIONER
UDALGURI
DISTRICT - UDALGURI

6:PHILIP MUNDA
SON OF LATE BIRTU MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

7:ADAM MUNDA
SON OF LATE BIRTU MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

8:THOMAS TIRKEY
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

9:RARMA MUNDA
SON OF SUKURA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

10:RAFEL KUJUR
SON OF SANICHARA KUJUR
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

11:DHIREN SAORA
SON OF BAIJNATH
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA

IN MAZBAT REVENUE CIRCLE
ASSAM.

12:SUNIL SAORA
SON OF BAIJNATH
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

13:JONES MUNDA
SON OF ABINASH MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

14:ABHIRAM MUNDA
SON OF KHEL MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

15:JOHAN BARIA
SON OF PATRAS
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

16:DHANSAL ORANG
SON OF BEOLU ORANG
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

17:DEBERA MUNDA
SON OF RURAM MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA

IN MAZBAT REVENUE CIRCLE
ASSAM.

18:SOMRA MUNDA
SON OF RAGLU
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

19:ATOWA MUNDA
SON OF PHILIP
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

20:SUKURA MUNDA
SON OF BUDHURAM MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

21:SANCHARUA SOREN
SON OF SONARAM

22:LAND MUNDA
SON OF JOHAN MUNDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

23:BENEDICT ORANG
SON OF LALSAI
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

24:PATRUS MUNDA
SON OF SUKRA

DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

25:PAULUS BECK
SON OF SIMON
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

26:SUKURA MAJHI
SON OF SUNKU
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

27:MEGHLAL MAJHI
SON OF PENIRAM
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

28:LEZARUS EKKA
SON OF HOLARUS
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

29:THOMAS BECK
SON OF DURGA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

30:SANAL ORANG
SON OF PATRAS

DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

31:RAFEL ORANG
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

32:AUGUSTAS TIRKI
SON OF GARLEL
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

33:PAULUS ORANG
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

34:TEMBA KISPOTA
SON OF MANGRA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

35:SANIKA MUNDA
SON OF PHILIP
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

36:CHAMPAK MAYAK
SON OF NILMOHAN
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN

UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

37:HARIMOHAN NAYAK
SON OF BHILLON
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

38:DHANIRAM BASUMATARY
SON OF NIZARA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

39:KENDRA BASUMATARY
SON OF CHANTHALA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

40:DRIVER BASUMATARY
SON OF BACHU BASUMATARY
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

41:CHAMLA NARZERY
SON OF SRAVEN
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

42:HARSINGH BASUMATARY
SON OF SINGH BASUMATARY
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN

UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

43:KHAGEN GAYARI
SON OF BHEMA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

44:JADAV BASUMATARY
SON OF LAILA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

45:SUNIL BASUMATARY
SON OF DAMALA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

46:KHAGEN MOCHAHARI
SON OF KACHURAM
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

47:KENDRA DAIMARY
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

48:BABUL DAIMARY
SON OF BIKI
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA

IN MAZBAT REVENUE CIRCLE
ASSAM.

49:BILA BASUMATARY
SON OF TUCHUNG
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

50:AMAR BASUMATARY
SON OF SUREN
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

51:TARINI BASUMATARY
SON OF SUREN
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

52:LANTHA BRAHMA
SON OF BAIRA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

53:NAGENDRA BORO
SON OF KACHU
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

54:KHAULA DAIMARY
SON OF BEHDA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA

IN MAZBAT REVENUE CIRCLE
ASSAM.

55:RABIRAM GAYERI
SON OF NILA
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

56:BARDOLOI NARZARY
SON OF BIJU
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

57:BIMAL NAZAR
SON OF BIJU
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM.

58:JITEN BASUMATARY
SON OF TACHIN
DAG NO. 8 OF VILLAGE NO. 2
BAHIPUKHURI TEA GARDEN
UNDER ORANG MOUZA
IN MAZBAT REVENUE CIRCLE
ASSAM

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. D. Das, Sr. Advocate
Ms. N. Upadhyay, Advocate

For the Respondent(s) : Mr. R. Borpujari, SC, Revenue
Mr. B. J. Talukdar, Sr. Advocate
Mr. P. K. Medhi, Advocate

Date on which judgment is reserved : NA
Date of pronouncement of judgment : 13.07.2026
Whether the pronouncement is of the
Operative part of the judgment? : Yes
Whether the full judgment has been
Pronounced? : No

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. Das, the learned Senior Counsel assisted by Ms. N. Upadhyay, the learned counsel for the Petitioners. Mr. R. Borpujari, the learned counsel appears on behalf of the Revenue Department and Mr. B. J. Talukdar, the learned Senior Counsel assisted by Mr. P. K. Medhi, the learned counsel appears on behalf of the Respondent Nos.2, 3 & 4.

2. The present writ petition has been filed by the Petitioners assailing the order dated 31.05.2013 passed by the Additional Deputy Commissioner, Udalguri.

3. The brief facts which led to the filing of the present writ petition are that a Company, namely, Tezpore Tea Company Limited was the owner of a tea garden in the name and style of Bahipukhuri Tea Estate. Proceedings were initiated under the provisions of the Assam Fixation of Ceiling on Land Holdings Act,

1956 (for short, 'the Act of 1956'). It is apparent from the order dated 05.05.1992 passed by the learned Division Bench of this Court in Civil Rule No.4866/1991 that the said Tezpore Tea Company Limited, who was the Petitioner in the said proceedings, had no grievance against the final order passed under the Act of 1956. However, their grievance was that in the course of the proceedings, possession of 277 bighas 2 kathas 3 lechas of land was inadvertently shown as excess land. It further transpires that a representation was submitted by the said Tezpore Tea Company Limited on 19.02.1990 before the Commissioner, Revenue Department, Government of Assam. On account of non-consideration of the said representation, the said Tezpore Tea Company Limited approached this Court by filing the writ petition which was registered and numbered as Civil Rule No.4866/1991. The said writ petition was disposed of vide the order dated 05.05.1992 by the learned Division Bench thereby directing the concerned Respondent Authorities to dispose of the said representation after giving an opportunity of hearing to the Petitioner therein within a period of 4 months therefrom.

4. The record further reveals that on 17.11.1992, the Additional Deputy Commissioner, Darrang, Mangaldai, disposed of the said representation in pursuance to the order dated 05.05.1992 passed in Civil Rule No.4866/1991 wherein it was

found that the Tea Estate in question had handed over the excess area of 216 bighas 4 kathas 5 lechas of land and not 277 bighas 2 kathas 3 lechas of land as contended by the Tezpore Tea Company Limited. Accordingly, the area of 216 bighas 4 kathas 5 lechas of land covered by Dag No.8 of No.2 W/L Bahipukhuri Bagicha was directed to be registered in favour of Bahipukhuri Tea Estate and the record of rights be corrected. The Sub-Divisional Officer (Civil), Udalguri was directed to hand over the area covered by Dag No.8 and correct the records in favour of Bahipukhuri Tea Estate. In pursuance thereto, the record of rights were corrected and an area of land admeasuring 216 bighas 0 katha 16 lechas of land were corrected and reflected in the record of rights as on 24.05.1993.

5. The record further reveals that in pursuance thereto, steps were taken by the Sub-Divisional Officer (C), Udalguri with the Circle Officer, Mazbat Revenue Circle to carry out eviction and hand over possession to the Manager, Bahipukhuri Tea Estate and report to the office.

At this stage, this Court finds it relevant to observe that once the land has become the land belonging to a Tea Company, eviction proceedings could not have been resorted to by the Revenue Authorities as the same was outside the jurisdiction of the Revenue Authorities.

6. Be that as it may, in view of the communication issued by the Sub-Divisional Officer (C), Udalguri dated 22.08.1993, certain notices were issued under Rule 18(3) of the Settlement Rules, framed under the Assam Land and Revenue Regulation, 1886. The record further reveals that an organization, namely, Bahipukhuri Bagan Jana Kalyan Samiti filed a writ petition before this Court which was registered and numbered as Civil Rule No.2915/1993. It is also seen from paragraph Nos.28 and 29 of the writ petition that certain interim orders were passed staying the eviction proceedings. Be that as it may, vide an order dated 12.02.2001, the Civil Rule No.2423/1993 was disposed of thereby directing the Respondents Nos.2, 3 & 4 to dispose of the Ceiling Case, i.e. Land Ceiling Case No.12/71-72 pending before it.

Before proceeding further, this Court also finds it pertinent to observe with great respect that the said direction could not have been passed in as much as that Land Ceiling Case No.12/71-72 already stood disposed of even prior to the order passed by the learned Division Bench of this Court in Civil Rule No.4866/1991.

7. Be that as it may, in view of the directions passed in the order dated 12.02.2001 passed in Civil Rule No.2423/1993, the impugned order was passed on 31.05.2013 whereby the Additional Deputy Commissioner, Udalguri reiterated the order

dated 17.11.1992 and further observed that the proceedings under Rule 18 of the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886 could not have been initiated taking into account that the land in question was a private Patta land of the Petitioner Company. It is under such circumstances, the Petitioners, being aggrieved, have approached this Court by filing the present writ petition.

8. Mr. D. Das, the learned Senior Counsel appearing on behalf of the Petitioners submitted that possession of vacant land belonging to the Petitioners was taken by the Respondent Authorities on the garb that it was a ceiling surplus land. It was therefore the duty of the said Respondent Authorities to hand over the said land without any encumbrance. The learned Senior Counsel submitted that as the land was shown as ceiling surplus, various persons who are arrayed as Respondent Nos.6 to 58 have already entered into possession and have raised construction. The Respondent Authorities were duty bound therefore to hand over the clear and unencumbered possession of the land admeasuring 216 bighas 4 kathas 5 lechas to the Petitioners. The learned Senior Counsel further submitted that initially certain steps were taken pursuant to the order dated 17.11.1992 to hand over the possession of the land in question as would be apparent from the records that notices under Rule

18(3) of the Settlement Rules were issued for evicting those trespassers. The Petitioner Company had awaited the result of the directions so passed by the learned Coordinate Bench of this Court in the order dated 12.02.2001 passed in Civil Rule No.2423/1993, and it was only 12 years thereafter, order was passed on 31.05.2013 whereby the Respondent Authorities had declined to exercise their jurisdiction under Rule 18 of the Settlement Rules. The learned Senior Counsel therefore submitted that the Petitioners thereupon had to approach this Court by filing the present writ petition as the situation had arisen on account of the fault of the Respondent Authorities.

9. Mr. R. Borpujari, the learned Standing Counsel appearing on behalf of the Revenue Authorities, on the other hand, contended that the exercise of jurisdiction under Rule 18 of the Settlement Rules is limited to specified types of land which have been mentioned in Rule 18(2) of the Settlement Rules. The learned Standing Counsel submitted that as the land admeasuring 216 bighas 4 kathas 5 lechas were the private lands of the Petitioners, such lands are outside the scope of Rule 18 of the Settlement Rules. Therefore, the order dated 31.05.2013 passed by the Additional Deputy Commissioner, Udalguri do not call for any interference.

10. The learned Standing Counsel appearing for the Revenue

Department further submitted that the Petitioners well knew in the year 1992 itself and subsequently in the year 1993 when their records were corrected that there was encroachment and it was the duty of the Petitioners to take recourse to the remedies available under the law. By way of a writ proceedings thereby insisting upon the Authorities to take action under Rule 18 of the Settlement Rules, the present proceedings is nothing but an abuse of the process of the Court.

11. I have heard the learned counsels appearing on behalf of the parties and have duly perused the materials on record.

12. The question which arises in the instant proceedings is as to whether the Additional Deputy Commissioner, Udalguri was justified in not exercising the jurisdiction conferred under Rule 18 of the Settlement Rules for eviction of the encroachers over the land belonging to the Petitioners.

13. Rule 18 of the Settlement Rules confers power upon the Deputy Commissioner to eject any person from the land over which no person has acquired rights of proprietor, land holder or settlement holder.

14. Sub-Rule (2) of Rule 18 of the Settlement Rules stipulates the lands wherein the Deputy Commissioner could exercise the power of ejectment. The lands have been specified as:-

- (i) lands which have been previously reserved for roads; or
- (ii) lands which have been previously reserved for roadside lands; or
- (iii) lands which have been previously reserved for grazing of village cattle; or
- (iv) lands which were previously reserved for other public purposes; or
- (v) lands upon which a person has entered into possession from which he has been excluded by general or special order; or
- (vi) government khas lands; or
- (vii) waste lands; or
- (viii) estate over which no person has acquired the right of a proprietor, land holder or settlement holder.

15. The nature of the lands specified in Rule 18(2) of the Settlement Rules makes it clear that lands which belong to a proprietor, land holder and settlement holder is outside the ambit of the lands specified in Rule 18(2) of the Settlement Rules.

16. The record reveals that pursuant to the order passed by the learned Division Bench of this Court dated 05.05.1992 in Civil Rule No.4866/1991, 216 bighas 4 kathas 5 lessas of land covered

by Dag No.8 of No.2 W/L Bahipukhuri Bagicha were corrected and registered in the name of Bahipukhuri Tea Estate. Any encroachment upon the said land by any person would be purely a dispute between the Petitioners and the encroacher. In the instant case, it is an admitted aspect, as would be evident from the arraying of the Respondent Nos.6 to 58, that the lands belonging to the Petitioners have been encroached by private persons. It is the opinion of this Court that the power conferred by the Deputy Commissioner or any officer authorized on his behalf to carry out any eviction/ejectment would be only limited to the lands specified in Rule 18(2) of the Settlement Rules. This aspect is further clear from a very reading of Rule 18(2) and Rule 18(3)(a) of the Settlement Rules wherein it is clearly stipulated that by exercising the power of ejectment, the Deputy Commissioner would not only direct ejectment or order to vacate, but would also empower the Deputy Commissioner to confiscate or destroy any crops raised or any buildings or other constructions erected. It is the further opinion of this Court that if a meaning is ascribed that private lands would come within the scope of Rule 18 of the Settlement Rules, it would not only empower the Deputy Commissioner to confiscate or destroy any crops raised or any building or other construction erected standing over the private lands which do not belong to the State,

but also would empower the Revenue Authorities to adjudicate pure civil dispute between private parties.

17. This Court observes that once the land in question have been recorded in the name of the Petitioner Company on the basis of the order dated 17.11.1992 and the records of rights were corrected, the jurisdiction of the Revenue Authorities to interfere/intermeddle with the possession of the lands stood ousted.

18. Considering the above, it is therefore the opinion of this Court that the Additional Deputy Commissioner, Udalguri was justified in passing the order dated 31.05.2013 thereby declining to initiate any proceedings under Rule 18(3) of the Settlement Rules.

19. Accordingly, this Court does not find any ground to interfere with the order dated 31.05.2013 for which the writ petition stands dismissed.

20. Before parting with the record, this Court duly takes note of that vide the order dated 17.11.1992, there was a specific direction upon the Sub-Divisional Officer (C), Udalguri to hand over the vacant possession of the land to the Petitioners. Thereupon, steps were taken under Rule 18(3) of the Settlement Rules. An organization approached this Court assailing the

eviction proceedings and there was a direction passed by the learned Coordinate Bench of this Court on 12.02.2001 in Civil Rule No.2423/1993 to decide the said Ceiling Case within a period of 4 months. 12 years down the line, the impugned order was passed, and thereupon, the Petitioners have approached this Court by filing the present writ petition.

21. Taking into account that the Petitioners have been bonafidely litigating before this Court, presuming that this Court would have the jurisdiction and this Court having held that the Revenue Authorities have no jurisdiction to interfere/intermeddle with the private disputes between the Petitioners and the Private Respondents, it is the opinion of this Court that the Petitioners would be entitled to the benefit of Section 14 of the Limitation Act, 1963 during the period when the instant writ petition had been pending, i.e. w.e.f. 18.04.2018 till date while computing the period of limitation in preferring any proceedings before the appropriate and competent Civil Court of jurisdiction, if so advised.

22. No costs.

JUDGE

Pradip Kumar Kalita

Comparing Assistant

 Digitally signed by Pradip Kumar Kalita
Date: 2026.07.15 10:36:59 +05'30'