

GAHC010007012016



undefined

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

**Case No. : WP(C)/393/2016**

GOPAL KRISHNA TEA COMPANY PVT. LTD.  
A REGD. COMPANY HAVING ITS REGD. OFFICE AT MARWARI PATTY,  
JORHAT, P.O. and P.S. and DIST- JORHAT, ASSAM, AND HAVING ITS TEA  
ESTATE AT P.O. KILLING VALLEY, DIST- MORIGAON, ASSAM, PIN-782413  
AND IS REP. BY ITS GENERAL MANAGER AND AUTHORISED  
REPRESENTATIVE, SHRI RAHUL SRIVASTAVA

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
REVENUE AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-19,  
ASSAM

2:THE SECY. TO THE GOVT. OF ASSAM  
REVENUE L.R. DM DEPTT.  
DISPUR  
GHY-6  
ASSAM

3:THE DY. SECY. TO THE GOVT. OF ASSAM  
REVENUE and MD LR DEPTT.  
DISPUR  
GHY-6  
ASSAM

4:THE DY. COMMISSIONER  
MORIGAON  
ASSAM  
PIN-782413

5:THE ADDL. DY. COMMISSIONER

MORIGAON  
ASSAM  
PIN-782413

6:THE CIRCLE OFFICER  
MAYONG REVENUE CIRCLE  
MORIGAON  
ASSAM  
PIN-78241

For the Petitioner(s) : Mr. G.N. Sahewalla, Sr. Advocate  
Ms. A. Todi, Advocate

For the Respondent(s) : Mr. B. Goswami, Addl. A.G.  
Mr. R. Borpujari, Standing Counsel

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 05.03.2026**

Heard Mr. G.N. Sahewalla, the learned Senior Counsel assisted by Ms. S. Todi, the learned counsel appearing on behalf of the petitioner. Mr. B. Goswami, the learned Additional Advocate General, Assam appears on behalf of the respondent State and Mr. R. Borpujari, the learned Standing Counsel appears on behalf of the Revenue Department of the Government of Assam.

2. The issue involved in the present writ petition pertains to a plot of land admeasuring 103 Bighas 2 Kathas 13 Lechas in Mouza Gova of Village Khuthari Bagicha falling under Dag Nos. 190, 187, 186, 168, 161, 158 and 264 whereby the said land was

made Sarkari on the basis of an order passed by the Settlement Officer dated 19.11.1970.

3. It is pertinent to take note that from the materials on record, it appears that the said plot of land was a part of the NLR Grant No. 102/36 which was held by the petitioner company. There is no doubt that the provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956 (for short, "the Act of 1956") empower the State to impose limits on the amount of land that may be held by a person. However, the said Act of 1956 is not applicable to lands held and utilized for the special cultivation of tea and for purposes ancillary thereto. It is also pertinent to take note of that Section 7 of the Act of 1956 provides the manner in which land shall vest in the State. The final statement required under Section 7(5) of the Act of 1956 is the document by which the land vests in the State.

4. This Court further takes note of Annexure-2 to the writ petition wherein reference has been made to the Land Ceiling Case No. 1/75, which indicates that certain proceedings were initiated under the Act of 1956. Be that as it may, if the Land Ceiling Case No. 1/75 was initiated in the year 1975, the order passed by the Settlement Officer in the year 1970 prima facie appears to be not in consonance with law.

5. Taking into account the above, this Court directs both the State as well as the Revenue Department of the Government of Assam to place materials on the basis of which the land in question stood vested upon the State.
6. Accordingly, list this matter again on 26.03.2026.
7. Interim order passed earlier shall continue till the disposal of the writ petition.

**JUDGE**

**Comparing Assistant**