

WP(C) 2556/2014
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

Mr. G. Uddin, the learned counsel is permitted to implead the Govt. of Assam as respondent no.1 by making necessary correction. The change is permitted to be made under the own hand and signature of the learned counsel.

The petitioner purchased 1 Bigha annual patta land from Hari Narayan Chauhan and Biswanath Ojha and obtained possession of the purchased land. But since transfer of annual patta land is impermissible under Rule 1(2)(C) of the Assam Land Revenue Regulations, 1886, the Addl. D.C., Nagaon through his order dated 17.02.2012 (Annexure-1) directed that the annual patta be cancelled and consequently the revenue records for the purchased land was to be corrected as Govt. land instead of annual patta land.

One of the aggrieved vendors Hari Narayan Chauhan then filed the Revenue Appeal No.166 RA (N)/2012 before the Assam Board of Revenue and through the impugned order dated 03.10.2013 (Annexure-4), the Revenue Board declared that there is no sanctity to unregistered sale deeds and on this basis, the transfer of land to the petitioner was declared to be invalid and consequential restoration of the annual patta land to the vendor appellant was ordered by the Revenue Board. Accordingly, the aggrieved purchaser challenges the order dated 03.10.2013 (Annexure-4).

In view of above, let notice returnable in 4 weeks be issued.

Mr. M. Bhagwaati, the learned Govt. Advocate accepts notice for the respondent no.1. Extra copies be furnished to him. Petitioner to serve notice on respondent no.2 by registered post.

In the interim, the Revenue Board's order dated 03.10.2013 (Annexure-4) shall remain stayed, until the returnable date.