

GAHC010012092025



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

**Case No. : WP(C)/344/2025**

KASHIM ALI @ KASHEM ALI  
S/O LATE KOSIR UDDIN SK., RESIDENT OF MADHUSOULMARI, PO  
KHUDIMARI, PS GAURIPUR, DIST DHUBRI ASSAM 783331

2: HAMIDUR RAHMAN @ HAMEDUR RAHMAN  
S/O LATE NUR JAMAL SK  
RESIDENT OF MADHUSOULMARI  
PO KHUDIMARI  
PS GAURIPUR  
DIST DHUBRI ASSAM 783331

3: SHAHA ALAM PRODHANAI @ SHAHA ALAM  
S/O KASHIM ALI @ KASHEM ALI  
RESIDENT OF MADHUSOULMARI  
PO KHUDIMARI  
PS GAURIPUR  
DIST DHUBRI ASSAM 78333

VERSUS

THE STATE OF ASSAM AND 11 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR GUWAHATI 06

2: HE DISTRICT COMMISSIONER  
DHUBRI  
P.O. AND P.S. AND DIST- DHUBRI  
ASSAM  
PIN-783301

3: THE SETTLEMENT OFFICER  
DHUBRI  
P.O. AND P.S.-DHURBI  
DIST-DHUBRI

ASSAM PIN-783301

4:THE ASSISTANT SETTLEMENT OFFICER  
GOLAKGANJ REVENUE CIRCLE  
P.O. AND P.S.- GOLAKGANJ  
DIST- DHUBRI  
ASSAM  
PIN-783331

5:THE CIRCLE OFFICER  
GAURIPUR REVENUE CIRCLE  
DHUBRI  
P.O. AND P.S.- DHUBRI  
DIST-DHUBRI  
ASSAM  
PIN-783301

6:THE ASSAM BOARD OF REVENUE  
REPRESENTED BY ITS SECRETARY  
PANBAZAR  
GUWAHATI-01

7:PRABIR COOMAR BARUA  
S/O LT. PRAKRITISH CHANDRA BARUA  
R/O GAURIPUR TOWN  
WARD NO. 2  
MATIABAGH  
P.O. AND P.S.-GAURIPUR  
DIST-DHUBRI  
ASSAM  
PIN-783331

8:PRADYUT BARUA  
S/O LT. PRAKRITISH CHANDRA BARUA  
R/O GAURIPUR TOWN  
WARD NO. 2  
MATIABAGH  
P.O. AND P.S.-GAURIPUR  
DIST-DHUBRI  
ASSAM  
PIN-783331

9:PRITAM COOMAR BARUA  
S/O LT. PRAKRITISH CHANDRA BARUA  
R/O BYE LANE NO. 2  
LAKHIMI NAGAR  
JORHAT WEST  
JORHAT RESEARCH LABORATORY

ASSAM  
DIST-JORHAT  
ASSAM  
PIN-785006

10:SMTI PARBATI BARUA  
D/O LT. PRAKRITISH CHANDRA BARUA  
R/O HOUSE NO. 28  
BYE LANE NO. 6  
WEST PUB SARANIA  
P.O.-SILPUKHURI  
GUWAHATI  
DIST-KAMRUP (M)  
ASSAM  
PIN-781003

11:SMTI PRANATI PHOOKAN @ PRANATI BARUA  
D/O LT. PRAKRITISH CHANDRA BARUA  
W/O LT. DOUGLAS ARTHUR PHOOKAN  
R/O HOUSE NO. 28  
BYE LANE NO. 6  
WEST PUB SARANIA  
P.O.-SILPUKHURI  
GUWAHATI  
DIST-KAMRUP (M)  
ASSAM  
PIN-781003

12:BINA BARUA  
W/O PRAKRITISH CHANDRA BARUA  
R/O GAURIPUR TOWN  
WARD NO. 2  
MATIABAGH  
P.O. AND P.S.-GAURIPUR  
DIST-DHUBRI  
ASSAM  
PIN-78333

**Advocate for the Petitioner** : MR. M HUSSAIN, MR A.K. MOLLAH,MD. A. RASHID

**Advocate for the Respondent** : SC, REVENUE, GA, ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 24.01.2025**

Heard Mr. M. Hussain, learned counsel for the petitioners; Mr. S. Dutta, learned Standing Counsel, Revenue Department for the respondent no. 1; and Mr. H. Sarma, learned Additional Senior Government Advocate, Assam for the respondent nos. 2, 3, 4 & 5.

2. The petitioners have claimed that their names are recorded as Rayots in Rayoti Khatian no. 77 and Rayoti Khatian no. 80 under the provisions of Section 5 of the Assam [Temporarily Settled Areas] Tenancy Act, 1971. It is submitted that Rayoti Khatian no. 77 involves an area of land measuring 24 Bighas 2 Kathas 4 Lessas under Dag no. 31 whereas Rayoti Khatian no. 80 involves area of land measuring 12 Bighas 1 Katha 15 Lessas. On the basis of an application made by the private respondent no. 7 for removal of the names of few pattadars as well as Rayots from records of Rayoti Khatian no. 77, covered by Dag no. 31, situate at Village – Dumardaha Part-II, the Assistant Settlement Officer, Golakganj Revenue Circle vide his Order dated 28.05.2012, ordered for cancellation of the names of those pattadars and Rayots, whose names are reflected for the parcels of land under Rayoti Khatian no. 77, covered by Dag no. 31. These petitioners are among the Rayots whose names were ordered to be deleted. Against the said Order, a review petition under Section 151 of the Assam Land and Revenue Regulation read with Section 67 of the Assam [Temporarily Settled Areas] Tenancy Act, 1971 was preferred by these petitioners before the Assam Board of Revenue and the same was registered as Case no. 99RA[DBR]/2018. By an Order dated 29.12.2018, the Order dated

28.05.2012 passed by the Assistant Settlement Officer, Golakganj Revenue Circle was set aside. The Order dated 29.12.2018 was in respect of Rayoti Khatian no. 77 and Dag no. 31 only. Thereafter, the respondent nos. 7 – 11 preferred a review application against the Order dated 29.12.2018 before the Assam Board of Revenue, which was registered as 5RA[DBR][RVW]/2022. After hearing the parties, the Assam Board of Revenue by a Judgment and Order dated 07.01.2025 allowed the review petition by setting aside the earlier Order dated 29.12.2018 passed in Revision Petition no. 99RA[DBR]/2018. The Board of Revenue has further ordered to restore an area of land measuring 48 Bighas 0 Katha 13 Lessas, covered by Dag no. 27, 28, 29, 30, 31, 40 & 302 under Khiraj Patta no. 79 at Village – Dumurdaha Part – II to the original pattadars.

3. The petitioners have approached this Court to assail the Judgment and Order dated 07.01.2025 on the ground that the Board of Revenue while exercising the power of review, has wrongly included Dag no. 27 within the Judgment and Order dated 07.01.2025 whereas the original application seeking cancellation of mutation was only in respect of Dag no. 31 only. The Board of Revenue has thereby, enlarge the scope of review without there being any application to that effect.

4. The matter would require further consideration.

5. Issue notice, returnable in 4 [four] weeks.

6. As Mr. Dutta, learned Standing Counsel, Revenue Department has appeared and accepted notice on behalf of the respondent no. 1; and Mr. Sarma, learned Additional Senior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 2, 3, 4 & 5, no formal

notices need to be issued to the said respondents. Mr. Hussain, learned counsel for the petitioners shall furnish requisite nos. of extra copies of the writ petitions along with the annexures to Mr. Dutta and Mr. Sarma within 2 [two] working days from today.

7. The petitioner shall take steps for service of notice upon the respondent nos. 7 – 12 by registered post with A/D within 2 [two] working days from today. This Court is not issuing any notice to the respondent no. 6 at this stage.

8. Having regard to the projections so made, it is ordered, as an ad-interim measure, that the operation of the Judgment and Order dated 07.01.2025 of the Assam Board of Revenue passed in 5RA[DBR][RVW]/2022 shall be kept in abeyance in so far as the areas of land covered by Dag nos. 27 and 31 are concerned.

**JUDGE**

**Comparing Assistant**