

GAHC010015422026



2026:GAU-AS:4629

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

Case No. : WP(C)/1025/2026

NUR MOHAMMOD SARKAR
S/O LATE ABDUL MOZID
R/O VILL- NAYER ALGA PART-II, P.O. NAYER ALGA
P.S. BILASIPARA, DIST. DHUBRI, ASSAM, PIN-783348.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DISTRICT COMMISSIONER
KAMRUP (M)

P.O. HENGRABARI
DISTRICT. KAMRUP (M)
ASSAM

3:THE CIRCLE OFFICER OF THE GAUHATI REVENUE CIRCLE

P.O. ULUBARI
DIST. KAMRUP (M)
ASSAM
PIN-781007.

4:GOLERA KHATUN
W/O NUR MOHAMMOD SARKAR
R/O ANUPAM NAGAR ROSE LANE
HOUSE NO. 23 GUWAHATI-38
P.O.AND P.S. HATIGAON
DIST. KAMRUP (M)

ASSAM
PIN-781038 (PRESENT ADDRESS)
R/O VILL- NAYER ALGA PART-II

P.O. NAYER ALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348 (PERMANENT ADDRESS).

5:THE CO-DISTRICT COMMISSIONER

NEW GUWAHATI CO-DISTRICT
KAMRUP METROPOLITAN DISTRICT
GUWAHATI
HENGRABARI
GUWAHATI
PIN-78103

For the Petitioner(s) : Mr. M. A. Sheikh, Advocate

For the Respondent(s) : Ms. N. Bordoloi, SC, Revenue
Mr. N. Das, govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

31.03.2026

Heard Mr. M. A. Sheikh, the learned counsel appearing on behalf of the petitioner. Ms. N. Bordoloi, the learned counsel appears on behalf of the respondent No.1; Mr. N. Das, the learned counsel appears on behalf of the respondent Nos.2, 3 & 5 and Mr. S. A. Ahmed, the learned counsel appears on behalf of the respondent No.4.

2. The present writ petition has been filed challenging the order dated 07.01.2026 passed by the Respondent No.5 whereby the petitioner's application seeking permission to sell his land has been rejected.

3. The materials on record show that the petitioner is the owner of a plot of land admeasuring 1 katha 5 lechas covered by Dag No.1724 of K.P. Patta No.35, situated at Revenue Village-Paschim Boragaon under Mouza-Jalukbari of Guwahati Revenue Circle in the district of Kamrup (Metro), Assam. The petitioner had entered into two agreements for sale, one with one Mustafa Sofiur Rahman and the other with one Mizanur Rahman for sale of the total land of 1 katha and 5 lechas. Accordingly, the petitioner sought for permission from the District Administration in terms with Section 21A of the Registration Act, 1908 in so far as the same is applicable to the State of Assam. The Respondent No.4 had submitted an objection. On the ground of the objection filed by the Respondent No.4, the Respondent No.5 did not proceed with the granting of the No Objection Certificate/Sale Permission to the petitioner. The petitioner submitted a representation on 12.11.2024. However, the representation was also not considered by the Respondent Authorities thereby compelling the petitioner to approach this Court by filing a writ petition which was registered and numbered as WP(C)

No.665/2025. The learned Coordinate Bench vide an order dated 12.02.2025 directed the Respondent Nos.2 and 5 to decide the said representation. In pursuance of the said directions, notices were issued to the petitioner as well as the Respondent No.4. Subsequent thereto, vide the impugned order dated 07.01.2026, the petitioner's application seeking No Objection Certificate/Sale Permission was rejected along with the representation on the ground that though the Respondent No.4 is not a recorded pattadar of the land, but there is a dispute between the petitioner as well as the Respondent No.4 over the land.

4. This Court has perused the said impugned order and has heard the learned counsels appearing on behalf of the parties.

5. From the materials on record, it is seen that the petitioner is the sole owner of the land which the petitioner proposes to transfer. There is no right of the Respondent No.4 over the said land. Under such circumstances, the rejection of the petitioner's application for No Objection Certificate/Sale Permission by the Respondent No.5 vide the order dated 07.01.2026 cannot be sustained in law. Accordingly, the instant writ petition therefore stands disposed of with the following observations and directions:-

(i) The impugned order dated 07.01.2026 is set aside and

quashed.

(ii) The application filed by the petitioner for No Objection Certificate/Sale Permission in respect to the two plots of land forming a part of the petitioner's land be considered by the Respondent Nos.2 & 5 on its own merit without being influenced by the objection so filed by the Respondent No.4.

(iii) The said application be considered within a period of 60 days from the date a certified copy of the instant order is served upon the Respondent Nos. 2 & 5 by the petitioner.

JUDGE

Comparing Assistant