

GAHC010020872024



2026:GAU-AS:2951

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

Case No. : WP(C)/527/2024

MD. MOFIQUDDIN HAZARIKA AND ANR
SON OF LATE SUNTI HAZARIKA,
R/O- VILLAGE- JENGNIKATIA,
MOUZA- NAGAR MAHAL,
P.O. AND P.S.- SIVASAGAR,
DISTRICT- SIVASAGAR, ASSAM,
PIN- 785640.

2: MD. TAFIQUDDIN HAZARIKA
SON OF LATE SUNTI HAZARIKA

R/O- VILLAGE- JENGNIKATIA

MOUZA- NAGAR MAHAL

P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
LAND AND REVENUE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
ULUBARI
GUWAHATI- 781007

KAMRUP(M).

3:THE DEPUTY COMMISSIONER
SIVASAGAR
P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640.

4:THE CIRCLE OFFICER
SIVASAGAR REVENUE CIRCLE
P.O. AND P.S.- SIVASAGAR

DISTRICT- SIVASAGAR
ASSAM

PIN- 785640

Advocate for the petitioner(s): Mr. NN Upadhyay

Advocate for the respondent(s): Mr. N Goswami, Govt. Advocate, Assam
Mr. R Barpujari Standing Counsel
Revenue Department, Govt. of Assam.

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.02.2026

Heard Mr. NN Upadhyay, the learned counsel appearing on behalf of the petitioners. I have also heard Mr. R Barpujari, the learned Standing Counsel, who appears on behalf of the respondent Nos.1 and 2 and Mr. N Goswami, the learned Govt. Advocate, Assam who appears on behalf of the respondent Nos.3 and 4.

2. The petitioners herein are the legal heirs of Late Sunti Hazarika and are presently possessing a plot of land ad measuring 1 bigha 4 kathas covered by Dag No. 216 of Annual Patta No.17 of Revenue Village Jengnikatia of Mouza: Nagar Mahal, District: Sivasagar, Assam. The petitioners submitted an application on 29.07.2013 seeking conversion of their annual patta land to that of the periodic patta. The record reveals that the Circle Officer of the Sivasagar Revenue Circle registered a case being Myadi Case No.23/13-14. An order thereupon was passed, thereby opining that the petitioners have to deposit 15% of the market value of the land and observed that the petitioners have to deposit Rs.1,35,000/-.

3. It is the case of the petitioners that the fixing of 15% at the market value was too high and, therefore, sought for reduction of the premium to 10%, i.e. Rs.90,000/-. The said aspect having not considered, the petitioners have approached this Court by filing the present writ petition in the year 2024.

4. Mr. N. Goswami, the learned Government Advocate appearing on behalf of the respondent Nos.3 and 4 has placed before this Court an instruction dated 20.12.2025 issued by the Additional District Commissioner(R), Sivasagar, which is kept on record and marked with the letter 'X'. The para-wise comments which are enclosed to the forwarding letter, and more particularly at paragraph No.3, it is mentioned that the petitioners were required to pay Rs.1,35,000/- i.e. 15% of the market value of the land and the same was necessary in terms with the Circular issued by the Revenue Reforms Department of the Government of Assam dated 26.05.2005. It was also mentioned in the para-wise comments that the petitioners, however, were not willing to pay the 15%.

5. This Court has duly heard the learned counsels appearing on behalf of the parties and had perused the materials on record, including the Circular dated

26.05.2005. The contents of the Circular dated 26.05.2005 are of relevance, taking into account the petitioners' reluctance to deposit 15% of the market value of the land as premium which led to the present writ petition. Accordingly, the contents of the said circular dated 26.05.2005 are reproduced hereinunder:

"Existing conversion premium of AP land into PP in Guwahati City/Municipal Towns/Revenue Town and areas within 15Km/5Km/3Km radius from its periphery and for rural areas

No.RRG.3/2003/19

Dated Dispur. the 26th May/2005

From: Shri U Hazarika, ACS

Under Secretary to the Govt. of Assam

Revenue (Reforms) Department, Dispur.

To: All Deputy Commissioners, Assam (Except Hill Districts and BTAD)

Sub: MATTERS RELATING TO CONVERSION OF LAND IN TOWNS ETC.

Ref. Govt. Circular No.RRG. 3/2003/12, dtd. 04/12/2003 and RRG.68/2001/139, Dtd. 11th January/2005.

Sir,

In inviting a reference to the subject quoted above I am directed to say that Government have issued clear directions as to how to convert the annual lands in towns within 10 km radius of Guwahati and 3 KM radius of other towns through the Government circulars under reference. It is reiterated here again that non alienated annual patta land converted within the 10 KM radius of Guwahati and 3 KM radius of other town shall bear premium at the rate of 25 percent and 15 percent of the market value of the land respectively. You are therefore requested to convert such land

expeditiously and submit report to the Government for onward submission to the Hon'ble Chief Minister, Assam

The receipt of this letter may kindly be acknowledged."

6. From a perusal of the above-quoted Circular dated 26.05.2005, it is apparent that non-alienated annual patta land converted within 10 km radius of Guwahati and 3 km radius of other towns shall bear a premium at the rate of 25% and 15% of the market value of the land respectively. As in the instant case, the land is within 3 kilometers of other towns, the petitioners, therefore, in terms of the said Circular, were bound to pay premium at the rate of 15% of the market value. Reluctance to pay as per the existing Circular would not confer any right upon the petitioners to approach this Court seeking directions upon the respondents to convert the Annual Patta Land to Periodic Patta. It is of relevance to also observe that the amount which was fixed by the concerned Circle Officer was in the year 2014. The petitioners have approached this Court in the year 2024. Under such circumstances, the market value of the land as well as 15% of the same have to be again reassessed.

7. Accordingly, the instant writ petition stands disposed of with the following observations and directions:

(i). The respondent Nos.3 and 4, and more particularly, the respondent number 4, shall calculate the 15% of the market value of the land which the petitioners seek to convert into a Periodic patta land and thereupon inform the petitioners within 15 days from the date, a certified copy of the instant order is served upon the respondent No. 4.

(ii). This Court further directs the respondent No. 4 to also intimate the

petitioners within a reasonable period to deposit the premium.

(iii). This Court further directs that in the circumstance the petitioners deposits the premium within the period so stipulated in the information provided by the respondent No. 4, the annual patta land of the petitioners be converted into a periodic patta, and necessary corrections be carried out in the record of rights.

JUDGE

Comparing Assistant