

GAHC010021262024



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

Case No. : WP(C)/532/2024

MD. FARUQUE HUSSAIN
SON OF LATE ABDUL KASEM,
RESIDENT OF VILLAGE- 1 NO. DOLABARI,
MOUZA- BHAIRABPAD, P.O.- KALIABHOMORA,
P.S.- TEZPUR, DISTRICT- SONITPUR, ASSAM,
PIN- 784027.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
REVENUE AND DISASTER MANAGEMENT,
GOVERNMENT OF ASSAM, DISPUR,
GUWAHATI-6.

2:THE DISTRICT COMMISSIONER
DISTRICT- SONITPUR
ASSAM
TEZPUR- 784001.

3:THE CIRCLE OFFICER
TEZPUR REVENUE CIRCLE
DISTRICT- SONITPUR
ASSAM- 784001.

4:ANICHUR RAHMAN
SON OF LATE HABIBUR
RESIDENT OF G.D. ROAD TEZPUR
OPPOSITE OF BOR MASJID
TEZPUR- 784001.
ALTERNATIVE ADDRESS- VILLAGE- GUTLONG
P.O.- KOLIABHOMOR
NEAR BHUYAN SERVICE CENTRE
SONITPUR- 784027
ASSAM

Advocate for the Petitioner : MR. S K SINGH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 05.02.2024

Heard Mr. S.K. Singh, learned counsel assisted by Mr. B. Pushilal, learned counsel for the petitioner; Ms. G. Hazarika, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. It is the case of the petitioner that originally, Dag no. 470 of Patta no. 68 of Village – Gotlong, Tezpur Revenue Circle contained a parcel of land measuring 3 Bighas 2 Lessas. The father of the petitioner, Abdul Kasem [since deceased] purchased a part of the said land measuring 2 Bighas and a separate Dag number and Patta number for the said 2 Bighas of land, purchased by the petitioner's father, was allotted vide Dag no. 666 and Patta no. 208. After purchased of 2 Bighas of land by the petitioner's father, the land area remained under original Dag no. 470 and Patta no. 68 was 1 Bigha 2 Lessas. By an order dated 26.11.2021, the respondent no. 3 corrected the revenue records pertaining to Dag no. 470 and Patta no. 68 in the name of the respondent no. 4 for an area of land measuring 2 Bighas 2 Kathas. The petitioner has raised an apprehension that because of the order dated 26.11.2021, the petitioner's plot of land measuring 2 Bighas is likely to be adversely affected. Hence, the writ petition.

3. Mr. Handique, learned State Counsel has submitted that the issue will be cleared if the relevant records leading to the passing of the order dated 26.11.2021 by the respondent no. 3 are examined.

4. Issue notice, returnable on 06.03.2024.

5. As Ms. Hazarika has appeared and accepted notice on behalf of the respondent no. 1 and Mr. Handique has appeared and accepted notices on behalf of the respondent nos. 2 & 3, no formal notices need to be issued in respect of the said respondents. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Hazarika and Mr. Handique within 2 [two] working days from today.

6. Mr. Handique shall make endeavour to produce the relevant records leading to the passing of the order dated 26.11.2021, on the returnable date.

JUDGE

Comparing Assistant