

GAHC010023642025



undefined

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

**Case No. : WP(C)/683/2025**

SAMSUL HOQUE AND ANR  
S/O- LATE SAHAR ALI, VILLAGE- DUMARDAHA PART-III, P.O-BALAJAN,  
P.S-GAURIPUR, DISTRICT- DHUBRI, ASSAM PIN-783331.

2: FERAJUL HOQUE  
S/O- LATE SAHAR ALI  
VILLAGE- DUMARDAHA PART-III  
P.O-BALAJAN  
P.S-GAURIPUR  
DISTRICT- DHUBRI  
ASSAM PIN-783331

VERSUS

THE STATE OF ASSAM AND 10 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR,  
GUWAHATI-06.

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

3:THE SETTLEMENT OFFICER  
DHUBRI  
ASSAM  
P.O.  
P.S. AND 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.  
P.S. AND DIST. DHUBRI  
ASSAM  
PIN- 783301.

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

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

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

9:PRITAM COOMAR BARUA  
S/O- LATE 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- LATE PRAKRITISH CHANDRA BARUA  
R/O- HOUSE NO. 28  
BYE LANE NO. 6  
WEST PUB SARANIA  
P.O. SILPUKHURI  
GUWAHATI  
DIST. KAMRUP METRO  
ASSAM  
PIN- 781003.

11:SMTI PRANATI PHOOKAN @ PRANATI BARUA  
D/O- LATE PRAKRITISH CHANDRA BARUA  
R/O- HOUSE NO. 28  
BYE LANE NO. 6  
WEST PUB SARANIA  
P.O. SILPUKHURI  
GUWAHATI  
DIST. KAMRUP METRO  
ASSAM  
PIN- 781003

**Advocate for the Petitioner** : MR. M HUSSAIN, MR. R I MONDAL

**Advocate for the Respondent** : GA, ASSAM, MR P P SARMA,MR. J ROY,SC, REVENUE

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : -24.02.2025**

Heard Mr. M. Hussain, learned counsel for the petitioners; Ms. G. Hazarika, learned Standing Counsel, Revenue Department for the respondent no. 1; Mr. H. Sharma, learned Additional Senior Government Advocate, Assam for the respondent nos. 2, 3, 4 & 5; and Mr. J. Roy, learned Senior Counsel assisted by Ms. B. Saha, learned counsel for the respondent nos. 7-11.

2. Learned counsel for the parties have submitted that two other writ petitions W.P.[C.] no. 344/2025 and W.P.[C.] no. 443/2025, involving similar issues, are pending before this

Court. The petitioners in this writ petition have claimed their relief on the ground that originally, the party respondent no. 7 did not make any prayer for cancellation of mutation in respect of Dag no. 28, but the Assam Board of Revenue in its Order dated 07.01.2025, by *suo moto* enlarging the scope, has ordered to restore the name of the original pattadars as on 18.12.2018, in respect of Dag no. 28 also.

3. The contents of the writ petition as well as the Order dated 07.01.2025 passed by the Assam board of Revenue in Case no. 5RA [DBR] [RVW] / 2022 are perused.

4. Issue notice returnable on 07.03.2025.

5. As Ms. Hazarika, learned Standing Counsel, Revenue Department has appeared and accepted notice for the respondent no. 1; Mr. Sharma, learned Additional Senior Government Advocate, Assam has appeared and accepted notices for the respondent nos. 2, 3, 4 & 5; and Ms. Saha, learned counsel has appeared and accepted notices for the respondent nos. 7-11, formal notices need not be issued to the said respondents. Mr. Hussain, learned counsel for the petitioners shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Ms. Hazarika, Mr. Sharma and Ms. Saha within 2 [two] working days from today.

6. It appears that it is not necessary to issue notice to the respondent no. 6 at this stage.

7. Having regard to the contentions raised, it is observed that the operation of the impugned order dated 07.01.2025 in respect of Dag no. 28 shall not be given effect till the returnable date.

**JUDGE**

**Comparing Assistant**