

GAHC010036522026



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

Case No. : WP(C)/1102/2026

SAHABUL ISLAM
S/O RAHIMUDDIN ALI, R/O VILL. MUSALMAN JAPORI, P.O. TAPTOLA, P.S.
BHURAGAON, DIST. MORIGON, ASSAM.

VERSUS

STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. HOME DEPTT, ASSAM
SECRETRIAT , DISPUR, GUWAHATI 781006, ASSAM.

2:SUPERINTENDENT OF POLICE
MORIGAON DIST. PIN 782105
ASSAM.

3:OFFICER IN CHARGE
BHURAGAON POLICE STATION
P.O. AND DIST. MORIGAON
ASSAM.

4:HDF FINANCIAL SERVICES LTD.
NAGAON BRANCH
SECOND FLOOR
PATTA NO 32
PADMALAY COMPLEX
A.T. ROAD
HAIBARGAON
NAGAON
ASSAM 782002 INDIA

5:RABBUL ISLAM
CLAIMED TO BE A RECOVERY AGENT / REPRESENTATIVE OF
RESPONDENT 4 MOBILE NO 8133056247 PRESENT ADDRESS NOT KNOWN
TO THE PETITIONER EXCEPT THAT HE STATE HE IS FROM MIKIRBHETA
ASSAM.

6:HIRANYA BORA
CLAIMED TO BE A RECOVERY AGENT / REPRESENTATIVE OF
RESPONDENT 4
MOBILE NO 8638567331 PRESENT ADDRESS NOT KNOWN TO THE
PETITIONER EXPECT THAT HE STATE HE IS FROM SADAR NAGAON
ASSAM

Advocate for the Petitioner : M RAHMAN, SC, FINANCE
Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

27.02.2026

Heard Shri A. Deka, learned counsel appearing on instruction of Shri M. Rahman, learned counsel for the petitioner. Also heard Shri H. Sarmah, learned Addl. Senior Govt. Advocate.

2. As per the facts projected, the petitioner had purchased a tractor on finance by the HDB Financial Services Ltd. Nagaon Branch and was paying the EMI regularly. However, on 12.02.2026, the respondent nos. 5 and 6 along with police personnel had forcibly seized the tractor without producing any documents of such authorisation. The matter was also videographed and circulated for which, the petitioner was put to humiliation and mental distress.

3. Accordingly, the instant writ petition has been filed with the following relief:

“In the premises aforesaid, it is most respectfully prayed that Your Lordships would be pleased to admit this petition, call for the records, issue a notice upon the respondents to show cause as to why :-

(1) A Writ of Mandamus should not be issued directing the respondent authorities to demarcate the land of the petitioners measuring 2Bigha-2Katha-10 Lecha from one end of the plot out of total land measuring 3 Bigha-2Katha-6 Lecha covered by Dag

No.65/53, Patta No.49 of Village Joyfar under the Mankachar Revenue Circle in the district of South Salmara Mankachar, Assam and handed over the said plot of land to the petitioners as per order dated 13/09/2024 passed in Misc. Demarcation Case No.66/2023 by the Assistant Settlement Officer, Mankachar Rev. Circle (Respondent No.5) and the order dated 04/12/2025 (05/12/25) passed in Misc. Appeal Case No.39/ 2024 by the Settlement Officer, Dhubri & Kokrajhar Districts (Respondent No.4) and the letter/communication dtd. 30/01/2026 issued by the Respondent No.4 to the Respondent No.5.

2) A Writ of Mandamus/any other appropriate direction should not be issued directing the respondent No.5 to comply with and carry out the order dated 13/09/2024 passed in Misc. Demarcation Case No.66/2023 by the then Assistant Settlement Officer, Mankachar Revenue Circle and the order dated 04/12/2025 (05/12/25) passed by the Settlement Officer, Dhubri and Kokrajhar Districts (higher authority) by making afresh demarcation of the aforesaid land of the petitioners measuring 2 Bigha - 2 Katha- 10 Lecha out of total land of 3 Bigha 3 Katha - 6 Lecha covered by Dag No.65/53, Patta No.49 of Village-Joyfar under Mankachar Revenue Circle in the district of South Salmara Mankachar, Assam and handing over the said plot of land to the petitioners as per said order and/or be pleased to issue an appropriate direction the respondent No.5 to demarcate the aforesaid land of the petitioners measuring 2B-2K-10 Lecha from east side of the plot of land in question and handed over the same to the petitioners in terms of orders dated 13/09/2024 and 04/12/2025 and letter/communication dtd. 30/01/2026 issued by the Respondent No.4 and/or cause or causes being shown upon hearing the parties on perusal of the records be pleased to make the rule absolute by providing complete and adequate relief to the petitioners and/or pass such order or orders as Your Lordships may deem fit and proper.

-AND-

Pending disposal of the case, the pendency of this case may not be a bar for the

respondent No.5 to make demarcation of the land of petitioners afresh measuring 2B-2K-10L covered by Dag No.65/53, Patta No.49 of Vill.-Joyfar under Mankachar Rev. Circle and handing over the same to them in the interest of justice.

And for this act of kindness, the petitioners as in duty bound shall ever pray."

4. Shri Deka, the learned counsel has submitted that the concern is more with regard to the nature of the action taken by the respondent nos. 5 & 6 and not primarily against the Bank. He has also submitted that for the humiliation caused by wrongful act, the petitioner is entitled to compensation.

5. Shri Sarma, the learned Addl. Senior Govt. Advocate has submitted that the issues raised would constitute a civil dispute wherein the aspect of adducing evidence would arise.

6. The rival contentions have been considered and the materials placed before this Court have been perused.

7. The jurisdiction exercised by this Court under Article 226 of the Constitution of India the extra ordinary nature and this Court does not act as a Court on facts. The issue involved and the relief prayed for would essentially require an adjudication which are based on facts and there would be requirement of adducing evidence. In the opinion of this Court, a writ petition would not be maintainable for the relief prayed for.

8. Accordingly, while this writ petition is dismissed, liberty is granted to the petitioner to approach the appropriate Civil Court for redressal of his grievance.

JUDGE

Comparing Assistant