

GAHC010038372026



undefined

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

**Case No. : WP(C)/1229/2026**

AYUB ALI  
S/O- LATE PASHA SHEIKH.  
VILL.- NAITOR, BIDYANAGAR, P.O. AND P.S.- NAGARBERA, DIST.-  
KAMRUP, ASSAM.

VERSUS

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

2:THE DISTRICT COMMISSIONER  
KAMRUP  
AMINGAON  
PIN- 781031

3:THE OFFICER IN CHARGE  
NAGARBERA POLICE STATION  
DIST.- KAMRUP  
ASSAM.

4:THE CIRCLE OFFICER  
NAGARBERA REVENUE CIRCLE  
PIN- 781127.

5:NAITOR BIDYANAGAR ANCHALIK BAZAR CONNITTEE  
REPRESENTED BY ITS PRESIDENT  
SRI HARIPAD DAS.  
S/O- LATE RAKESWAR DAS  
VILL.- KALYANPUR BIDYANAGAR  
P.O. AND P.S.- NAGARBERA.

6:GAJIBAR RAHMAN  
S/O- AYUB ALI.  
VILL.- NAITOR  
BIDYANAGAR  
P.O. AND P.S.- NAGARBERA  
DIST.- KAMRUP  
ASSAM

**Advocate for the Petitioner** : MR. A ALI, S. AHMED

**Advocate for the Respondent** : GA, ASSAM, SC, REVENUE

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**02.03.2026**

Heard Shri A. Ali, learned counsel for the petitioner.

The petitioner is aggrieved by an order dated 18.02.2026 issued by the Circle Officer, Nagarbera Revenue Circle, directing the Officer-in-Charge, Nagarbera Police Station to keep the shop of the petitioner closed till resolution of the dispute of the petitioner with his son, respondent no. 6. It is contended on behalf of the petitioner that apart from lack of jurisdiction to issue such direction, the land in question is a miyadi patta land belonging to the respondent no. 5 which is a Market Committee and is not situated on Government land.

Let notice be issued, returnable on 01.04.2026.

Ms. G. Hazarika, learned Standing Counsel, Revenue Department, Assam accepts notice on behalf of the respondent no. 1 whereas Shri H. Sharma, learned State Counsel, Assam accepts notice on behalf of the respondent nos. 2, 3 and 4.

Extra copies of the writ petition be served upon the learned counsel for the respondents.

Steps for service of notice upon the respondent nos. 5 and 6 be taken by speed

post with A/D.

Steps within 2 days.

Shri Ali, learned counsel for the petitioner prays for an interim order.

While the aspect as to whether the land in question is a Government land or miyadi patta land belonging to the respondent no. 5 would be a factual aspect, the other facet, namely, exceeding the jurisdiction by the Circle Officer while issuing the impugned order dated 18.02.2026 would be required to be dealt with by this Court at this *prima* stage.

After considering the above, it is directed that till the next date fixed, the impugned order dated 18.02.2026 shall be kept in abeyance.

Since the aforesaid interim order has been passed *ex parte qua* the private respondent, they may come up for alteration/modification/vacation of the said order, if so advised.

**JUDGE**

**Comparing Assistant**