

GAHC010043222025



undefined

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

**Case No. : WP(C)/1243/2025**

JIBAN KRISHNA SAHA AND ANR  
S/O- LATE JOY NARAYAN SAHA, R/O- WARD NO. 5, DHUBRI, P.S. AND DIST.  
DHUBRI, ASSAM, PIN- 783301.

2: MAHENDRA KUMAR SETHIA  
S/O- PUNAM CHAND SETHIA  
R/O- WARD NO. 5  
DHUBRI  
P.S. AND DIST. DHUBRI  
ASSAM  
PIN- 783301

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, REVENUE DEPTT., GUWAHATI-6, ASSAM

2:THE DISTRICT COMMISSIONER  
DHUBRI  
DIST. DHUBRI  
ASSAM  
PIN- 783370.

3:ADDL. DEPUTY COMMISSIONER  
DHUBRI  
DIST. DHUBRI  
ASSAM-783370.

4:THE SETTLEMENT OFFICER  
DHUBRI  
DIST. DHUBRI  
ASSAM

5:THE ASSISTANT SETTLEMENT OFFICER  
DHUBRI REVENUE CIRCLE  
DHUBRI  
ASSAM

6:MULCHAND AGARWALA  
S/O- LATE OM PRAKASH AGARWALA  
R/O- WARD NO. 11  
DHUBRI TOWN  
P.O.  
P.S. AND DIST. DHUBRI  
PIN- 783301  
ASSAM

**Advocate for the Petitioner** : MS. R CHOUDHURY, MS F N ZAMAN,MD. MEMON AHMED

**Advocate for the Respondent** : GA, ASSAM, FOR CAVEATOR,MR. D SARAF,MR. R ALI,SC,  
REVENUE

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

**ORDER**

**Date : 07.03.2025**

Heard Ms. R. Choudhury, learned counsel for the petitioners; Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department for the respondent no. 1; Ms. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 2 – 5; and Mr. R. Ali, learned counsel who has entered appearance on behalf of the respondent no. 6 on the strength of the caveator.

2. The subject-matter of this writ petition is a plot of land measuring 17.5 Lessas, covered by Dag no. 633 & K.P. Patta no. 2/962, situate in Dhubri Town, Mouza – Dhubri [‘the subject-plot’, for short].

3. The case of the petitioners, in brief, is that on the strength of a registered Sale Deed no. 2367/2013 dated 25.11.2013, executed by the legal heirs of the original owner of the subject-plot, the petitioners became the owners of the subject-plot and after the

purchase, their names were also got mutated in the revenue records in the year 2014. On the other hand, the respondent no. 6 had staked his claim on the premise that he purchased the subject-plot from the original ryat by way of a Sale Deed no. 1408/1975 dated 04.02.1975. It is stated that after the said purchase, claimed by the respondent no. 6, he did not register his name in respect of the subject-plot in the revenue records by way of mutation. The respondent no. 6 had thereafter, applied for mutation belatedly in the year 2019 and as a result, the dispute arose between the petitioners and the respondent no. 6. The Assistant Settlement Officer, Dhubri and the Additional District Commissioner, Dhubri decided the case in favour of the petitioners. But the Assam Board of Revenue, when an appeal, Case no. RA[DBR]/2022 was preferred by the respondent no. 6, decided the case against the petitioner. Hence, the writ petition.

4. By the impugned Order dated 26.12.2024, the Assam Board of Revenue had set aside the orders passed by the Assistant Settlement Officer and the Additional District Commissioner and has further directed that the Assistant Settlement Officer to mutate the name of the appellant, that is, the respondent no. 6 in the revenue records by deleting the names of the petitioners herein in respect of the subject-plot, measuring 17.5 Lessas, covered by Dag no. 633. After the Order dated 26.12.2024, necessary corrections over 14 Lessas, out of the land within the subject-plot, have been corrected in the revenue records, as per possession.

5. Issue notice, returnable on 07.04.2025.

6. As Ms. Mahanta has appeared and accepted notice on behalf of the respondent no. 1; Ms. Baruah has appeared and accepted notices on behalf of the respondent nos. 2 – 5; and Mr. Ali has appeared and accepted notice on behalf of the respondent no. 6, issuance of notices in respect of the respondents stand dispensed with. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Mahanta, Ms. Baruah and Mr. Ali within 2 [two] working days from today.

7. Having regard to the projections made on behalf of the parties and upon perusal of the materials brought on record, it is observed, in the interim, that the parties shall maintain status quo with regard to the subject-plot till the returnable date and there shall not be any alienation of the subject-land in any manner by either of the parties then till then.

8. The records of Case no. 33[DBR]/2022 be called for from the Assam Board of Revenue, Assam, Guwahati.

**JUDGE**

**Comparing Assistant**