

GAHC010068302019



2026:GAU-AS:6247

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

Case No. : WP(C)/2224/2019

PRADIP CHANDRA MEDHI AND ANR.
SON OF LATE HOMA MEDHI, R/O. VILLAGE AZARA SOBHAGHAR, P.S.-
AZARA, GUWAHATI- 781017, DIST. KAMRUP(M), ASSAM.

2: DHANESWAR MEDHI
SON OF LATE HOMA MEDHI
R/O. VILLAGE AZARA SOBHAGHAR
P.S.- AZARA
GUWAHATI- 781017
DIST. KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE GOVT. OF ASSAM, REVENUE DEPTT., DISPUR, GUWAHATI-
781006, DIST. KAMRUP(M), ASSAM.

2:THE DY. COMMISSIONER
KAMRUP(METRO)
GUWAHATI-781001
ASSAM.

3:THE CIRCLE OFFICER

AZARA REVENUE CIRCLE
DIST.- KAMRUP(M)
ASSAM.

4:KIRAN KACHARI @ SWARGIARY
S/O. LATE BHADO KACHARI
R/O. VILLAGE- PATGAON
P.S. AZARA
DIST.- KAMRUP(M)

ASSAM.

5:GOPI KACHARI @ SWARGIARY
S/O. LATE BHADO KACHARI
R/O. VILLAGE- PATGAON
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM.

6:KAMALESWAR KACHARI @ SWARGIARY
S/O. LATE BHADO KACHARI
R/O. VILLAGE- PATGAON
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM.

7:NAMESWAR KACHARI @ SWARGIARY
S/O. LATE BHADO KACHARI
R/O. VILLAGE- PATGAON
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. R SARMA, MRS. G M D BAISHYA,MS B DEVI

Advocate for the Respondent : GA, ASSAM, SC, REVENUE,MS. S D SAIKIA (R4-R7)

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 07-05-2026

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department for the respondent No. 1 and Mr. S. S. Roy, learned State Counsel for the respondent Nos. 2 & 3.

2. By filing the present writ petition, the petitioners have prayed for a direction to the Deputy Commissioner, Kamrup (Metro), Guwahati, to strike

off the name of late Bhado Kachari from Khatian No. 22 in the land records pertaining to land measuring 10 Bighas 1 Katha 4 Lechas, covered by Dag Nos. 325 and 326 of Patta No. 144, situated at Revenue Village Patgaon, Mouza-Dakhin Rani, Kamrup (Metro).

3. The case of the petitioners, in brief, is that they are the sons of late Ram Chandra Medhi and late Anna Bala Medhi and are the pattadars in possession of land measuring 10 Bighas 1 Katha 4 Lechas under Dag Nos. 325 and 326 of Patta No. 144 of Revenue Village Patgaon, Mouza-Dakhin Rani, Kamrup (Metro), bounded by the land of Uttam Das on the north, Prabhat Basumatary on the south, Roshan Ali on the east and Bharati Brahma on the west. The competent authorities have also issued non-encumbrance and no-litigation certificates in respect of land measuring 5 Bighas 2 Kathas covered by Dag No. 325 under Patta No. 144 of the said village.

4. It is the contention of the petitioners that one Shri Bhado Kachari executed a deed of relinquishment, being Deed No. 883 of 2019 dated 01.02.2019, whereby he relinquished all claims over the aforesaid land. Thereafter, Shri Bhado Kachari and his wife expired, leaving behind the present petitioners. According to the petitioners, Khatian No. 22 was erroneously issued in the name of Bhado Kachari in respect of the aforesaid land, wherein the name of late Homa Medhi is reflected as pattadar. It is contended that at no point of time, late Bhado Kachari was a tenant in respect of the aforesaid land.

5. The respondent Nos. 4, 5, 6 and 7, who are the sons of late Bhado Kachari, submitted an application dated 15.03.2019 before the Deputy Commissioner, Kamrup (Metro), seeking deletion of the name of Bhado

Kachari from Khatian No. 22 in respect of the land in question. Thereafter, the petitioners along with respondent Nos. 4, 5, 6 and 7 jointly approached the Deputy Commissioner, Kamrup (Metro), on several occasions for deletion of the said name, but to no avail.

6. Mr. R. Sarma, learned counsel for the petitioners, submits that the land in question is agricultural land and the petitioners, being cultivators, are presently cultivating the same. Late Bhado Kachari neither possessed nor cultivated the land in question at any point of time. It is submitted that the petitioners, along with respondent Nos. 4, 5, 6 and 7, have approached the Deputy Commissioner seeking deletion of the name of Bhado Kachari from Khatian No. 22, as the said entry was wrongly recorded in the land records. Therefore, it is prayed that the Deputy Commissioner, Kamrup (Metro), be directed to strike off the name of late Bhado Kachari from Khatian No. 22 in accordance with the applicable rules.

7. Mr. S. S. Roy, learned State Counsel, submits that as per the report of the Circle Officer, Azara Revenue Circle, land measuring 7 Bighas 1 Katha 2 Lessas covered by Dag No. 325 of Patta No. 144 and another plot of land measuring 3 Bighas 00 Katha 2 Lessas covered by Dag No. 326 of the same Patta, totalling 10 Bighas 1 Katha 4 Lessas situated at Village Patgaon under Mouza-Dakhin Rani, stand recorded in the names of the pattadars, namely Shri Chandra Medhi and Dhaneswar Medhi. However, the name of Bhado Kachari is reflected as a tenant under Khatian No. 22 in respect of the land in question. Learned State Counsel fairly submits that if the claim of the petitioners regarding the erroneous recording of the name of Bhado Kachari in Khatian No. 22 is found to be correct, the

said entry would require correction in accordance with law.

8. Respondent Nos. 4, 5, 6 and 7 have also filed an affidavit categorically stating that their father, late Bhado Kachari, was never a Khatian holder during his lifetime and was never a tenant in respect of the land in question. Therefore, they would have no objection to the cancellation of Khatian No. 22, notwithstanding the fact that a deed of relinquishment had been executed by their late father. The private respondents have also stated that they had already submitted an application seeking deletion of the name of late Bhado Kachari from Khatian No. 22 in respect of the land in question.

9. I have heard the submissions advanced by the learned counsel appearing for the parties and have also perused the materials available on record.

10. Upon consideration of the matter in its entirety, it appears that the name of late Bhado Kachari has been recorded in Khatian No. 22 in respect of the land in question. Late Bhado Kachari had executed a deed of relinquishment, being Deed No. 883/2019 dated 01.02.2019. The materials on record also reveal that the petitioners as well as private respondent Nos. 4, 5, 6 and 7, being the legal heirs/descendants of late Bhado Kachari, have approached the Deputy Commissioner, Kamrup (Metro), seeking deletion of the name of late Bhado Kachari on the ground that he was never a tenant in respect of the said land. Under such circumstances, the respondent Deputy Commissioner, Kamrup (Metro) would not have any option but to consider the case of the petitioners.

11. Considering the above, it would be appropriate for this Court to

direct the Deputy Commissioner, Kamrup (Metro), Guwahati, to consider the case of the petitioners for striking out the name of late Bhado Kachari from Khatian No. 22 in respect of the land measuring 10 Bighas 1 Katha 4 Lechas covered by Dag Nos. 325 and 326 of Patta No. 144 of Revenue Village Patgaon, Mouza-Dakhin Rani, Kamrup (Metro).

12. Accordingly, it is directed that the Deputy Commissioner, Kamrup (Metro), shall consider the case of the petitioners in accordance with the applicable rules for striking off the name of late Bhado Kachari from the land records in respect of the aforesaid land.

13. The petitioners are directed to file a fresh application before the Deputy Commissioner, Kamrup (Metro), for striking off of the name of late Bhado Kachari from Khatian No. 22 within a period of 20 (twenty) days from today. Upon receipt of such application, the Deputy Commissioner, Kamrup (Metro), shall consider and dispose of the same within a period of 4 (four) months from the date of receipt of the application.

14. The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant