

GAHC010091552025



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

**Case No. : WP(C)/2345/2025**

KAUSTABH KALITA AND ANR  
S/O NADESWAR KALITA, R/O UTTARAYAN GREENS, BISHNU RABHA  
PATH, KERAKUCHI, P.O. AND P.S.- BASISTHA, DIST- KAMRUP (M), ASSAM,  
PIN-781029

2: HIMADRI DUTTA  
W/O KAUSTABH KALITA  
R/O UTTARAYAN GREENS  
BISHNU RABHA PATH  
KERAKUCHI  
P.O. AND P.S.- BASISTHA  
DIST- KAMRUP (M)  
ASSAM  
PIN-78102

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, DISPUR, GUWAHATI-6, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.  
DISPUR  
GUWAHATI-6

3:THE DISTRICT COMMISSIONER  
KAMRUP (M)  
ASSAM  
HENGRABARI  
GUWAHATI-36

4:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE  
DIST- KAMRUP (M)  
ASSAM  
GUWAHATI-781028

5:THE INDIAN OIL CORPORATION LIMITED (ASSAM DIVISION)  
REPRESENTED BY THE GENERAL MANAGER  
INDIAN OIL AOD STATE OFFICE INDIAN OIL BHAWAN  
SECTOR-III  
NOONMATI  
DIST- KAMRUP (M)  
GUWAHATI-78102

**Advocate for the Petitioner** : MR. A MOBARAQUE, MR M HOQUE

**Advocate for the Respondent** : GA, ASSAM, SC, I O C,SC, REVENUE

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

**ORDER**

**Date** : 02.05.2025

Heard Mr. A. Mobaraque, learned counsel for the petitioners; Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 1, 3 & 4; and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department for the respondent no. 2. Also heard Mr. M. Sharma, learned counsel for Indian Oil Corporation Limited as he has been served notice by the learned counsel for the petitioner to appear on behalf of the respondent no. 5.

2. The petitioners have claimed that they became owners of a plot of land measuring 18 Lessas, covered by Dag no. 100 [Old]/4567 [New] and Patta no. 250[Old]/2700[New] at Village – Betkuchi, Mouza – Beltola, Revenue Circle – Dispur, District – Kamrup [M], Assam [‘the subject-plot’, for short] after purchasing it by way of a registered sale deed dated 17.11.2021. The petitioners have further asserted that their names have been recorded in the Jamabandi

against the subject-plot pursuant to an Order dated 20.01.2023 passed in Mutation Case no. MET/DIS/2020-23/69066/OPART. It is further claimed that the petitioners are in possession of the subject-plot since the date of purchase.

3. The petitioners have alleged that on 06.02.2025 and 07.02.2025, the respondent no. 4 had entered into the subject-plot along with police personnel and at the verbal instruction of the respondent no. 4, the respondent no. 5 has occupied a part of the subject-plot and started construction of a boundary wall on the subject-plot.

4. Mr. Mobaraque, learned counsel for the petitioner has submitted that such actions are without any kind of prior notice to the petitioners. In the meantime, to clear the confusion, the petitioners have submitted an application before the respondent no. 4 on 18.02.2025 to identify and demarcate the subject-plot where no action has been taken.

5. Mr. Sharma, learned counsel has submitted that the respondent no. 5 is not the appropriate authority to be impleaded in the instant writ petition. He has submitted, on instruction, that the Indian Oil Corporation, Guwahati Refinery Division would be a necessary party respondent.

6. Mr. Mobaraque, learned counsel for the petitioner has submitted that he will file an amended cause-title in terms of the Notification no. 79 dated 19.06.2023 by 06.05.2025.

7. Ms. Barman, learned Junior Government Advocate, Assam has submitted that having regard to the allegations made by the petitioner, she would need some time to obtain instructions in the matter from the respondent nos. 3 & 4.

8. As sought for by Ms. Barman, list the case on 09.05.2025.
9. Having regard to the statements and averments made in the writ petition and considering the fact that the petitioners are landholders of patta land measuring 18 lessas, it is observed that the parties shall maintain status quo in respect of the subject-plot, as on date, till 09.05.2025.
10. Mr. Mobaraque shall furnish two copies of the writ petition along with annexures to Ms. Barman during the course of the day to enable Ms. Barman to take necessary steps from her end.

**JUDGE**

**Comparing Assistant**