

GAHC010091552025



undefined

**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 ARUN DEV CHOUDHURY**

**ORDER**

**Date : 19.05.2025**

1. Heard Mr. A Mobaraque, learned counsel for the petitioners.
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. Issue notice, returnable by 09.06.2025

6. Ms. N Barman, learned junior Government Advocate accepts notice on behalf of respondent Nos.1, 3 & 4, Ms. G Hazarika, learned counsel accepts notice on behalf of respondent No.2 and Mr. N Deka, learned counsel accepts notice on behalf of respondent No.5.

7. Since all the respondents are duly represented, no formal notice is required to be issued, however, extra copies of the writ petition, requisite in numbers, be furnished to the learned counsel for the aforesaid respondents within five days.

8. Interim order passed on 02.05.2025, directing the respondents to maintain status quo in respect of 18 lessas of land under the subject plot shall continue till the next date fixed.

**JUDGE**

**Comparing Assistant**