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

Case No. : WP(C)/4031/2025

SMTI MALA HANDIQUE
W/O- SHRI JAY CHANDRA HANDIQUE, R/O- VILL.- KARCHIA, MOUZA-
PANBARI, DIST. KAMRUP, ASSAM

VERSUS

STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, LAND AND
REVENUE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DISTRICT COMMISSIONER

KAMRUP METRO
GUWAHATI-1.

3:THE ADDITIONAL DEPUTY COMMISSIONER REVENUE
KAMRUP METRO
GUWAHATI-1.

4:CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
KAMRUP
ASSAM

5:SMTI BASANTI RABHA
DAUGHTER OF DIGANTA RABHA
RESIDENT OF PHAGUNA RABHA PATH
HOUSE NO. 19
BYE LANE NO. 1
JATIA
KAHILIPARA ROAD
P.O. SACHIVALAYA

P.S. DISPUR
GUWAHATI-781006.

6:SMTI PRATIMA RABHA
DAUGHTER OF NIREN RABHA
RESIDENT OF PHAGUNA RABHA PATH
HOUSE NO. 19
BYE LANE NO. 1
JATIA
KAHILIPARA ROAD
P.O. SACHIVALAYA
P.S. DISPUR
GUWAHATI-781006.

7:SMTI DIPIKA RABHA
DAUGHTER OF GOPAL RABHA
RESIDENT OF PHAGUNA RABHA PATH
HOUSE NO. 19
BYE LANE NO. 1
JATIA
KAHILIPARA ROAD
P.O. SACHIVALAYA
P.S. DISPUR
GUWAHATI-781006.

8:SMTI HIRAMONI BORO
DAUGHTER OF KHATURAM RABHA
RESIDENT OF GOHAIN PATH
HOUSE NO.16
MANPARA
PO AND PS FATASIL AMBARI
GUWAHATI-781025

Advocate for the Petitioner : MR. I CHOWDHURY SR ADV, MR T DAS,MR R DAS,MR. S
BISWAKARMA

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

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

23-07-2025

1. Heard Mr. I. Chowdhury, learned Senior counsel assisted by Mr. S. Biswakarma,

learned counsel for the petitioner and Ms. G. Hazarika, learned Standing counsel, Revenue Department for the respondent No. 1. Also heard Mr. S.S. Roy, learned State counsel for the respondent Nos. 2 to 4.

2. It is the case of the petitioner that the family of the petitioner, more particularly, the father-in-law of the petitioner was a settlement holder under Village-Tepesia, Mouza-Panbari, District-Kamrup (m), prior to the declaration of said area to be under Tribal Belt and block in the year 1951. Therefore, the petitioner is having a right to purchase and sell land, in terms of proviso to Section 164(2) of the Assam Land and Revenue Regulations 1886. However, by order dated 30.11.2004, without hearing the petitioner, mutation in respect of a purchased plot of land, measuring 6 Bighas 1 Katha 4 Lechas under Sale Deed No. 2895/2001 dated 28.03.2001 was cancelled by the Circle Officer, Sonapur Revenue Circle, Sonapur.

3. The petitioner challenged the aforesaid cancellation of mutation in the Assam Board of Revenue and the same was upheld vide order dated 21.06.2006. Thereafter, the petitioner approached this Court by filing WP(C) No. 3151/2006 and a Co-ordinate Bench, by order dated 09.05.2014, allowed the aforesaid writ petition directing the concerned Circle Officer to conduct fresh enquiry and to pass an order in accordance with law after giving proper opportunity to the petitioner. However, without conducting any enquiry, the concerned Circle Officer on 25.04.2025 & 30.04.2025, mutated the names of the private respondents in the land records against the purchased land belonging to the petitioner, measuring 6 Bighas 1 Katha 4 Lechas covered by Dag No. 667 and KP Patta No. 67, situated at Village-Korchia, Mouza- Panbari under Sonapur Revenue Circle, District-Kamrup(m) and the petitioner could learn the same only when she obtained a copy of the Jamabandi.

4. Issue notice, returnable **after 6 (six) weeks.**

5. As Ms. G. Hazarika, learned Standing counsel, Revenue Department and Mr. S.S. Roy, learned State counsel have accepted notices on behalf of the respondent Nos. 1 and

2 to 4, respectively, no formal notice need to be issued to the aforesaid respondents.

6. Petitioner shall take steps for service of notices upon the respondent Nos. 5 to 8 through registered post with A/D within a period of 5 (five) days from today.

7. Extra copies of this writ petition in requisite numbers be served upon the aforesaid counsels for the respondents within a period of five days from today.

8. Considered the interim prayer of the petitioner.

9. Taking note of the factual projection made by the petitioner, more particularly that the family of the petitioner is originally residing under the Tribal Belt area since prior to creation of the Tribal Belt, this Court is of the considered opinion that the petitioner's right of possession over the land should be protected. Accordingly, it is provided that status quo as on date, in respect of land, measuring 6 Bighas 1 Katha 4 Lechas covered by Dag No. 667 and KP Patta No. 67, situated at Village-Korchia, Mouza- Panbari under Sonapur Revenue Circle, District-Kamrup(m) be maintained.

10. List accordingly.

JUDGE

Comparing Assistant