

GAHC010167552023



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

Case No. : WP(C)/4375/2023

ABDUL KHALIQUE AND 3 ORS
S/O- LT. ABDUL LATIF,
VILL- KHAGAIL, PO- CHATAL,
DIST.- KARIMGANJ, ASSAM,
PIN- 788720.

2: ABDUL MALIK
S/O- LT. ABDUL LATIF

VILL- KHAGAIL
PO- CHATAL

DIST.- KARIMGANJ
ASSAM

PIN- 788720.

3: JAYNAL ABEDIN
S/O- LT. ABDUL LATIF

VILL- KHAGAIL
PO- CHATAL

DIST.- KARIMGANJ
ASSAM

PIN- 788720.

4: ABDUL WAHID
S/O- LT. ABDUL KARIM

GRANDSON OF- LT. ABDUL LATIF

VILL- KHAGAIL

PO- CHATAL

DIST.- KARIMGANJ
ASSAM

PIN- 788720

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
KARIMGANJ
P.O. AND DIST.- KARIMGANJ

ASSAM
PIN- 788710.

3:THE CIRCLE OFFICER
NILAMBAZAR REVENUE CIRCLE
P.O.- NILAMBAZAR
DISTRICT- KARIMGANJ

ASSAM
PIN- 788722

Advocate for the Petitioner : MR B SINHA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 07.08.2023

Heard Mr. B. Sinha, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent no. 1; and Mr. M. Chetia, learned Junior Government Advocate, Assam for the respondent

nos. 2 & 3.

The petitioners, 4 [four] in nos., have joined together to prefer this writ petition. According to the petitioners, they are the surviving legal heirs of one Late Abdul Noor, Son of Late Abdul Kadir. It is the case of the petitioners that their grandfather and great-grandfather occupied homestead land-plot measuring 2.0 acres [6 Kedars] out of 5.23 acres, covered by Dag no. 752 [Old]/910 [New], under Mohal - Dashana, Taluk no. – 15809/224 of Abdul Goni, Final Khatian no. 93, Mouza – Fathepur Pt-I, District - Cachar [presently in District – Karimganj]. It is claimed that late Abdul Kadir was holding possession of the said land-plot as Rayot under the Mirashdar. Subsequent to the demise of Late Abdul Kadir, the petitioners' father, Late Abdul Noor continued to be in possession of the said plot of land measuring 2.0 acres and his name was also entered as Rayot in Khatian no. 93. Claiming that they have inherited the said plot of land after demise of their father, Late Abdul Noor, the petitioners stated to have applied before the respondent authorities for inclusion of their names in the Khatian. But the State respondents have, in the meantime, made the plot of land *khas*. With the claim that the petitioners have right to get their names recorded in the revenue records in terms of the provisions contained in sub-section [6] of Section 4 of the Assam State Acquisition of Zamindaries Act, 1951, which Act is applicable in the erstwhile district of Cachar, the petitioners have instituted the instant writ petition.

Issue notice, returnable in 4 [four] weeks.

As all the respondents are represented by their respective learned counsel, no formal notices need to be issued to the said respondents. The petitioner shall, however, furnish requisite nos. of extra copies of the writ petition along

with annexures, to Ms. Bordoloi and Mr. Chetia within 3 [three] working days from today.

JUDGE

Comparing Assistant