

GAHC010172532024



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

Case No. : WP(C)/4380/2024

BHABAKANTA DAS AND 5 ORS
S/O LATE MANOHAR DAS AND PURNIMA DAS
R/O VILL- GARAL (BHATTAPARA), P.S. AZARA, MOUZA- RAMCHARANI,
DIST. KAMRUP (M), ASSAM

2: KUSHAL DAS
S/O LATE MANOHAR DAS
AND PURNIMA DAS
R/O VILL- GARAL (BHATTAPARA)
P.S. AZARA
MOUZA- RAMCHARANI
DIST.KAMRUP (M)
ASSAM

3: PRABHAT DAS
S/O LATE RAJDHAR DAS
R/O VILL- GARAL (BHATTAPARA)
P.S. AZARA
MOUZA- RAMCHARANI
DIST.KAMRUP (M)
ASSAM

4: HARIRAM DAS
S/O LATE RAJDHAR DAS
R/O VILL- GARAL (BHATTAPARA)
P.S. AZARA
MOUZA- RAMCHARANI
DIST.KAMRUP (M)
ASSAM

5: DEBEN DAS
S/O LATE RAJDHAR DAS
R/O VILL- GARAL (BHATTAPARA)
P.S. AZARA

MOUZA- RAMCHARANI
DIST.KAMRUP (M)
ASSAM

6: PRADIP DAS
S/O LATE RAJDHAR DAS
R/O VILL- GARAL (BHATTAPARA)
P.S. AZARA
MOUZA- RAMCHARANI
DIST.KAMRUP (M)
ASSA

VERSUS

CHAIRMAN, BOARD OF REVENUE AND 2 ORS
GUWAHATI, ASSAM SITUATED AT PANBAZAR, GUWAHATI-01, ASSAM

2:MD. MIR HUSSAIN
S/O LATE NAZIRUDDIN AHMED
R/O DHARAPUR
MAJOLI
MOUZA- RAMCHARANI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM

3:MD. ANOWAR HUSSAIN
S/O LATE NAZIRUDDIN AHMED
R/O DHARAPUR
MAJOLI
MOUZA- RAMCHARANI
P.S. AZARA
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A K DAS, MS. F AHMED,MR. M J GOGOI

Advocate for the Respondent : SC, REVENUE,

Linked Case : CRP/184/2015

ON THE DEATH OF MANOHAR DAS HIS LEGAL HEIRS
KAMRUP (M)

1.1: BHABAKANTA DAS
S/O LATE MANOHAR DAS AND LATE PURNIMA DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .

1.2: KUSHAL DAS
S/O LATE MANOHAR DAS AND LATE PURNIMA DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .

1.3: PRABHAT DAS
S/O LATE RAJDHAR DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .

1.4: HARIRAM DAS
S/O LATE RAJDHAR DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .

1.5: DEBEN DAS
S/O LATE RAJDHAR DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .

1.6: PRADIP DAS
S/O LATE RAJDHAR DAS

R/O VILL. GARAL (BHATTAPARA)

P.S. AZARA
MOUZA RAMCHARANI

DIST. KAMRUP (M)
ASSAM .
VERSUS

MD. MIR HUSSAIN and ANR.
MD. MIR HUSSAIN

2:MD. ANOWAR HUSSAIN
BOTH ARE THE S/O LT. NAZIRUDDIN AHMED
R/O DHARAPUR
MAJOLI
MOUZA- RAMCHARANI
P.S. AZARA
DIST- KAMRUP METRO
ASSAM

Advocate for : MR.K N KALITA
Advocate for : MR S NATH (R1) appearing for MD. MIR HUSSAIN and ANR.

Linked Case : I.A.(Civil)/1462/2022

ON THE DEATH OF MONOHAR DAS
HIS LEGAL HEIR
BHABAKANTA DAS AND 5 ORS
S/O LATE MANOHAR DAS AND LATE PURNIMA DAS
R/O VILLAGE GARAL BHATTAPARA
PS AZARA
MOUZA RAMCHARANI
DIST. KAMRUP(M)
ASSAM

2: KUSHAL DAS
S/O LATE MANOHAR DAS AND LATE PURNIMA DAS
R/O GARAL BHATTAPARA
P.S. AZARA
MOUZA- RAMCHARANI
DIST- KAMRUP METRO
ASSAM

3: PRABHAT DAS
S/O LATE RAJDHAR DAS
R/O GARAL BHATTAPARA
P.S. AZARA
MOUZA- RAMCHARANI
DIST- KAMRUP METRO
ASSAM

4: HARIRAM DAS
S/O LATE RAJDHAR DAS
R/O GARAL BHATTAPARA
P.S. AZARA
MOUZA- RAMCHARANI
DIST- KAMRUP METRO
ASSAM

5: DEBEN DAS
S/O LATE RAJDHAR DAS
R/O GARAL BHATTAPARA
P.S. AZARA
MOUZA- RAMCHARANI
DIST- KAMRUP METRO
ASSAM

6: PRADIP DAS
S/O LATE RAJDHAR DAS
R/O GARAL BHATTAPARA
P.S. AZARA
MOUZA- RAMCHARANI
DIST- KAMRUP METRO
ASSAM
VERSUS

MD. MIR HUSSAIN and ANR.
S/O LATE NAZIRUDDIN AHMED
R/O VILL DHARAPUR (MAJOLI)
MOUZA- RAMCHARANI
PS AZARA
DIST KAMRUP(M)

ASSAM

2:ANOWAR HUSSAIN
S/O LATE NAZIRUDDIN AHMED
R/O VILL DHARAPUR (MAJOLI)
MOUZA- RAMCHARANI
PS AZARA
DIST KAMRUP(M)
ASSAM

Advocate for : MR. A K DAS
Advocate for : appearing for MD. MIR HUSSAIN and ANR.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

11.08.2025

At the outset, Shri S. Sahu, learned counsel has submitted that he has been instructed to appear in this writ petition as he was already the counsel in the connected CRP instituted in the year 2015.

As per the facts projected, the land of predecessor of the petitioners was put to auction sale on account of non-payment of the revenue. However, the arrears were deposited and the sale was abandoned. Nonetheless, the respondents had mutated the land vide an order dated 12.07.2010 which was the subject matter of challenge before the learned ADC, Kamrup (M) and the same was carried on to the Assam Board of Revenue. The learned ABR vide the impugned order dated 23.03.2015 had rejected the appeal.

Shri Sahu, the learned counsel has submitted that initially CRP/184/2015 was filed and during the pendency, it was realized that the challenge has to be in the form of a writ petition.

Let notice be issued, returnable by 4 (four) weeks.

Let steps be taken for service of notice upon the respondents by registered post with A/D.

Steps within 2 (two) days from today.

Shri Sahu, the learned counsel prays for an interim order by submitting that in the original CRP/184/2015 which was instituted, an interim order was passed.

In view of the above, the *status quo* as on today be maintained till the next date of listing.

List this matter on 08.09.2025.

JUDGE

Comparing Assistant