

GAHC010144642021



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

Case No. : RSA/126/2021

MD EKLAS UDDIN BARBHUIYA AND ANR.
S/O LATE MAKADDAS ALI BARBHUIYA, R/O VILL-NATHANPUR, PARGANA
AND P.O.-KALAIN, P.S.-KATIGORAH, DIST-CACHAR, ASSAM

2: MD ABDUL SUKKUR BARBHUIYA
S/O LATE MAKMOD ALI BARBHUIYA
R/O VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSA

VERSUS

MD ABDUL REKIB AND 66 ORS.
(NG)

2:MD MUHIBUR RAHMAN
(NG)

3:MD ATAUR RAHMAN
(NG)

4:MD TERAB UDDIN
S/O LATE TARMUJ ALI

5:MUBEJAN BIBI
W/O LATE TARMUJ ALI

6:MD ABDUL RASHID BARBHUIYA
S/O LATE MAKMOD ALI BARBHUIYA

7:MD ABDUR RAHMAN BARBHUIYA
S/O LATE MAKMOD ALI BARBHUIYA

8:MOIRONG BIBI
D/O LATE MAKMOD ALI BARBHUIYA

9:SAMSUL HOQUE
S/O LATE ABDUR RAHMAN AND LATE NURUN NESSA
R/O VILL-NATHANPUR
PARGANA
AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM

10:ABDUR NOOR BARBHUIYA
S/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI

11:KAPIL UDDIN BARBHUIYA
S/O LATE ABDUL SUKKUR BARBHUIYA

12:SALIMA KHATUN BARBHUIYA
D/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI
VILL-NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

13:HALIMA KHATUN BARBHUIYA
D/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI
VILL-NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

14:HASINA KHATUN BARBHUIYA
D/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI
VILL-NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

15:HABIBUR RAHMAN BARBHUIYA
S/O LATE SIKANDAR ALI BARBHUIYA

16:ON THE DEATH OF ALA UDDIN BARBHUIYA
HIS LEGAL HEIRS

16.1:RENU BEGUM
W/O LATE ALA UDDIN BARBHUIYA

16.2:ANOWAR HUSSAIN
S/O LATE ALA UDDIN BARBHUIYA

16.3:DILUR HUSSAIN
S/O LATE ALA UDDIN BARBHUIYA

16.4:RAJIB HUSSAIN (MINOR)
S/O LATE ALA UDDIN BARBHUIYA (REPRESENTED BY RESPONDENT NO.
16.1)

16.5:RAJINA BEGUM (MINOR)
D/O LATE ALA UDDIN BARBHUIYA (REPRESENTED BY RESPONDENT NO.
16.1)

16.6:AFJAL HUSSAIN (MINOR)
S/O LATE ALA UDDIN BARBHUIYA (REPRESENTED BY RESPONDENT NO.
16.1)

16.7:MOIDUL HUSSAIN (MINOR)
S/O LATE ALA UDDIN BARBHUIYA (REPRESENTED BY RESPONDENT NO.
16.1)

16.8:MAKBUL HUSSAIN (MINOR)
S/O LATE ALA UDDIN BARBHUIYA (REPRESENTED BY RESPONDENT NO.
16.1)

17:RAHIM UDDIN BARBHUIYA
(NG)

18:SAHIB UDDIN BARBHUIYA
S/O LATE SARAFAT ALI

19:ALTAFUN NESSA
(NG)

20:HAJIRA BIBI
D/O LATE SARAFAT ALI OF VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSAM

21:FAIZUL HOQUE
S/O LATE MONTAZ ALI AND LATE GULABI BIBI OF VILL- BAIRABPUR
PART-VI
P.O. AND PARGANA-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

22:AFTAB UDDIN
S/O LATE MONTEZ ALI AND LATE GULABI BIBI

23:ABDUL REJAK
S/O LATE MONTAZ ALI AND LATE GULABI BIBI

24:FAIYAZ ALI
S/O LATE MONTAZ ALI AND LATE GULABI BIBI

25:ABDUL MATIN BARBHUIYA
S/O LATE MOZAIID ALI AND NEPHEW AKMAL ALI

26:JOFURUN NESSA @ SAMURUN NESSA
D/O LATE MOZAIID ALI
W/O LATE AJIJUR RAHMAN @ KUTUS ALI OF VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSAM

27:LEBURUN NESSA
D/O LATE MOZAIID ALI
W/O LATE SIRAJ ISLAM
VILL- BOROITOLI
PARGANA AND P.O.- KALAIN
P.S.-KATOGORAH
DIST- CACHAR
ASSAM

28:ALFATUN NESSA
D/O LATE MAKADDAS ALI
W/O LATE ASADDAR ALI
VILL AND P.O.-BANGARPAR
PARGANA-BIKRAMPUR

29:SEPTARA BEGUM
(NG)

30:ASOI BIBI
D/O LATE MAKADDAS ALI OF NATHANPUR

31:FARIZ UDDIN
S/O LATE AMIR ALI OF VILL-NATHANPUR
APRGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

32:RAYNA BEGUM
D/O LATE AMIR ALI OF VILL-NATHANPUR
APRGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805

33:TABARAK ALI @ SUNAFOR ALI
S/O LATE ABDUL SUKKUR

34:RAMIZ UDDIN
S/O LATE ABDUL SUKKUR

35:HUNAIN UDDIN
S/O LATE ABDUL SUKKUR

36:BASUK UDDIN
S/O LATE ABDUL SUKKUR

37:KALA MIA
S/O LATE ABDUL SUKKUR

38:HASON MIA
S/O LATE ABDUL SUKKUR (S/O LATE FATIR ALI)

39:AKRAM ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI

40:ARPAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI

41:TURPAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI

42:FURKAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI

43: BURHAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI

44: YASIN ALI
S/O LATE YAKUB ALI AND SAYBAN BIBI

45: NAZIM UDDIN
(NG)

46: SAFIQUE UDDIN
(NG)

47: TAZIM UDDIN
S/O LATE ABDUL NOOR

48: KABIR HUSSAIN
S/O LATE HASIB ALI

49: HUSSAIN ALI
S/O LATE HASIB ALI

50: FULBANU BIBI
(NG)

51: NURJAHAN BIBI @ NURBAN BEGUM
D/O LATE TARMUJ ALI

52: JARDARUN NESSA
D/O LATE KALAMDHAR ALI

53: SAMSUL HOQUE
S/O LATE ABDUL JALIL

54: HARIS UDDIN
S/O LATE ABDUL JALIL

55: AIYRUN NESSA
W/O ABDUL REJAK

56: RAJU MIA
S/O LATE BABUL REJAK

57: MOHIN UDDIN
S/O LATE BABUL REJAK

58: ABDUL ROUF
S/O LATE AMIR ALI

59:ABDUL HAFIZ
S/O LATE AMIR ALI
ALL ARE R/O VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSAM
PIN-788805

60:ABDUL LATIF LASKAR
S/O LATE SARAFAT ALI LASKAR

61:HUSSAIN AHMED
S/O LATE LUKMAN ALI

62:SULTAN AHMED
S/O LATE LUKMAN ALI

63:TABARAK AHMED
S/O LATE LUKMAN ALI

64:PIYARUN NESSA
W/O LATE LUKMAN ALI

65:ABDUL MOTLIB
S/O LATE MODORIS ALI

66:ABDUL REJAK
S/O LATE MODORIS ALI

66.1:ON THE DEATH OF ABDUL KUDDUS
S/O LATE TABARAK ALI
HIS LEGAL HEIRS

66.2:JAINAB BIBI
W/O LATE ABDUL KUDDUS

66.3:SHAIBUN BIBI
W/O LATE ABDUL KUDDUS

66.4:MOIN UDDIN
(NG)

66.5:ALIM UDDIN
(NG)

66.6:SALIM UDDIN

(MINOR) REPRESENTED BY SHAIBUN BIBI

66.7:PATARUN NESSA
(NG)

66.8:LAILA BEGUM
(NG)

66.9:JAHANARA BEGUM
(NG)

66.10:MAMTA BEGUM
(NG)

66.11:SAMSHIA BEGUM
(NG)

66.12:SABJIA BEGUM
(MINOR) REPRESENTED BY SHAIBUN BIBI

66.13:WAHIDA BEGUM
(MINOR) REPRESENTED BY SHAIBUN BIBI
ALL ARE R/O VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSAM
PIN-78880

Advocate for the Petitioner : MR. S BANIK

Advocate for the Respondent :

Linked Case : I.A.(Civil)/2074/2021

MD EKLAS UDDIN BARBHUIYA AND ANR.
S/O LATE MAKADDAS ALI BARBHUIYA
R/O VILL-NATHANPUR
PARGANA AND P.O.-KALAIN
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S/O-LT. TARMUJ ALI

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S/O LATE TARMUJ ALI

5:MUBEJAN BIBI
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D/O LATE MAKMOD ALI BARBHUIYA

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S/O LATE ABDUR RAHMAN AND LATE NURUN NESSA
R/O VILL-NATHANPUR

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VILL-NATHANPUR

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D/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI
VILL-NATHANPUR

PARGANA AND P.O.-KALAIN
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D/O LATE JOWAID ALI BARBHUIYA AND LATE ALEKJAN BIBI
VILL-NATHANPUR
PARGANA AND P.O.-KALAIN
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S/O LATE SIKANDAR ALI BARBHUIYA
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S/O LATE ALA UDDIN BARBHUIYA
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(NG)
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D/O LATE SARAFAT ALI OF VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
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29:FAIZUL HOQUE
S/O LATE MONTAZ ALI AND LATE GULABI BIBI OF VILL- BAIRABPUR
PART-VI

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P.S.-KATIGORAH
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31:ABDUL REJAK
S/O LATE MONTAZ ALI AND LATE GULABI BIBI
32:FAIYAZ ALI
S/O LATE MONTAZ ALI AND LATE GULABI BIBI
33:ABDUL MATIN BARBHUIYA
S/O LATE MOZAIID ALI AND NEPHEW AKMAL ALI
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D/O LATE MOZAIID ALI
W/O LATE AJIJUR RAHMAN @ KUTUS ALI OF VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
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35:LEBURUN NESSA
D/O LATE MOZAIID ALI
W/O LATE SIRAJ ISLAM
VILL- BOROITOLI
PARGANA AND P.O.- KALAIN
P.S.-KATOGORAH
DIST- CACHAR
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36:ALFATUN NESSA
D/O LATE MAKADDAS ALI
W/O LATE ASADDAR ALI
VILL AND P.O.-BANGARPAR
PARGANA-BIKRAMPUR
37:SEPTARA BEGUM
(NG)
38:ASOI BIBI
D/O LATE MAKADDAS ALI OF NATHANPUR
39:FARIZ UDDIN
S/O LATE AMIR ALI OF VILL-NATHANPUR
APRGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST-CACHAR
ASSAM
PIN-788805
40:RAYNA BEGUM
D/O LATE AMIR ALI OF VILL-NATHANPUR
APRGANA AND P.O.-KALAIN
P.S.-KATIGORAH

DIST-CACHAR
ASSAM
PIN-788805
41:TABARAK ALI @ SUNAFOR ALI
S/O LATE ABDUL SUKKUR
42:RAMIZ UDDIN
S/O LATE ABDUL SUKKUR
43:HUNAIN UDDIN
S/O LATE ABDUL SUKKUR
44:BASUK UDDIN
S/O LATE ABDUL SUKKUR
45:KALA MIA
S/O LATE ABDUL SUKKUR
46:HASON MIA
S/O LATE ABDUL SUKKUR (S/O LATE FATIR ALI)
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48:ARPAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI
49:TURPAN ALI
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50:FURKAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI
51:BURHAN ALI
S/O LATE AMIR ALI AND BROTHER OF LATE ASAB ALI
52:YASIN ALI
S/O LATE YAKUB ALI AND SAYBAN BIBI
53:NAZIM UDDIN
(NG)
54:SAFIQUE UDDIN
(NG)
55:TAZIM UDDIN
S/O LATE ABDUL NOOR
56:KABIR HUSSAIN
S/O LATE HASIB ALI
57:HUSSAIN ALI
S/O LATE HASIB ALI
58:FULBANU BIBI
(NG)
59:NURJAHAN BIBI @ NURBAN BEGUM
D/O LATE TARMUJ ALI
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D/O LATE KALAMDHAR ALI
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66:ABDUL ROUF
S/O LATE AMIR ALI
67:ABDUL HAFIZ
S/O LATE AMIR ALI
ALL ARE R/O VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
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PIN-788805
68:ABDUL LATIF LASKAR
S/O LATE SARAFAT ALI LASKAR
69:HUSSAIN AHMED
S/O LATE LUKMAN ALI
70:SULTAN AHMED
S/O LATE LUKMAN ALI
71:TABARAK AHMED
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72:PIYARUN NESSA
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78:MOIN UDDIN
(NG)
79:ALIM UDDIN
(NG)
80:SALIM UDDIN
(MINOR) REPRESENTED BY SHAIBUN BIBI
81:PATARUN NESSA
(NG)
82:LAILA BEGUM
(NG)
83:JAHANARA BEGUM
(NG)

84:MAMTA BEGUM
(NG)
85:SAMSHIA BEGUM
(NG)
86:SABJIA BEGUM
(MINOR) REPRESENTED BY SHAIBUN BIBI
87:WAHIDA BEGUM
(MINOR) REPRESENTED BY SHAIBUN BIBI
ALL ARE R/O VILL- NATHANPUR
PARGANA AND P.O.-KALAIN
P.S.-KATIGORAH
DIST- CACHAR
ASSAM
PIN-788805

Advocate for : MR. B U LASKAR
Advocate for : appearing for MD ABDUL REKIB AND ORS.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.05. 2023

Heard Ms. F. Begum, learned counsel appearing on behalf of Mr. S. Banik, learned counsel for the appellants. None appears for the respondents.

The matter is passed over for the day.

List the matter after 2 weeks.

JUDGE

Comparing Assistant