

GAHC010212402023



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

Case No. : WP(C)/5527/2023

JAHANARA BEGUM AND 4 ORS
D/O- LATE SANTOSH ALI MULLAH, W/O- JABED ALI, R/O- VILL.-
ALOMGANJ, PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR, DIST.
DHUBRI, ASSAM, PIN- 783339.

2: NAJMINA KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

3: AYESHA SIDDIKA @ KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

4: ELIMA KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

5: YEASMINUR PARBIN
(BEING MINOR IS REPRESENTED BY HER MOTHER
THE PETITIONER NO. 1)
D/O- JABED ALI
R/O- VILL.- ALOMGANJ

PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE DEPUTY COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

3:THE CIRCLE OFFICER

GAURIPUR REVENUE CIRCLE
GAURIPUR.

4:MESTER ALI PODDAR
S/O- LATE KHOSHAL PODDAR AND RESIDENT OF VILL.- ALOMGANJ PT.-
VII
UNDER REVEUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

5:ASAD ALI PODDAR
S/O- LATE KHOSHAL PODDAR AND RESIDENT OF VILL.- ALOMGANJ PT.-
VII
UNDER REVEUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339

Advocate for the Petitioner : MR. S DUTTA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 19/09/2023

Heard Mr. S. Dutta, learned senior counsel assisted by Mrs. S. Roy, learned counsel for the writ petitioners.

Assailing the order dated 01/09/2023 passed by the Circle Officer, Gauripur Revenue Circle i.e. the respondent no.3 herein, allowing the application filed by the respondent nos. 4 and 5 for correction of revenue records, the instant writ petition has been filed.

Mr. Dutta has argued that the impugned order is not only perverse but is also in clear violation of the directions contained in the order dated 23/06/2023 passed by the learned Single Judge in WP(C) No. 3621/2023. Mr. Dutta submits that a direction was issued by this Court to the respondent no. 3 to first decide on the question of jurisdiction and then fix another date for passing the final order but the same has not been followed. On such ground, the learned counsel for the writ petitioners has prayed for setting aside the impugned order dated 01/09/2023.

Ms. M. Barman, learned Government Advocate, Assam, submits that the impugned order is appealable and, therefore, the writ petition is not maintainable on the ground of availability of alternative remedy.

Be that as it may, after going through the materials available on record, this Court is of the opinion that the matter calls for deeper examination.

As such, issue notice of motion returnable in six weeks.

Since Ms. G. Hazarika, learned Standing Counsel, Revenue and DM Department, Assam, has appeared and accepted notice on behalf of the respondent no.1 and Ms. M. Barman, learned Government Advocate, Assam, has accepted notice on behalf of the

respondent nos. 2 and 3, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within three days from today, so as to enable them to obtain instruction.

Petitioners to take steps for service of notice upon the respondent nos. 4 and 5 by registered post with A/D within three days from today.

Heard on the prayer for interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that operation of the impugned order dated 01/09/2023 shall be stayed till the returnable date.

The question of maintainability of the writ petition is kept open and shall be gone into at the stage of admission hearing.

JUDGE

sukhamay

Comparing Assistant