

GAHC010224342024



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

Case No. : WP(C)/5678/2024

1: BADIYUT ZAMAL TALUKDAR AND 2 ORS.
SON OF LATE ABDUR RAHMAN TALUKDAR, R/O- VILL.- KHANABARI
ARAIANI PART-II, P.O.- BAGRIBARI, DIST.- KOKRAJHAR, ASSAM, PIN-
783349.

2: KHAYRAT ZAMAL TALUKDAR
SON OF LATE ABDUR RAHMAN TALUKDAR R/O- VILL.- KHANABARI
ARAIANI PART-II P.O.- BAGRIBARI DIST.- KOKRAJHAR ASSAM PIN- 783349.

3: SURAT ZAMAL TALUKDAR
SON OF LATE ABDUR RAHMAN TALUKDAR R/O- VILL.- KHANABARI
ARAIANI PART-II P.O.- BAGRIBARI DIST.- KOKRAJHAR ASSAM PIN- 783349

VERSUS

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

2: THE DEPUTY COMMISSIONER KOKRAJHAR
DIST.- KOKRAJHAR ASSAM PIN- 783370.

3: THE BODOLAND TERRITORIAL COUNCIL REPRESENTED BY THE
PRINCIPAL SECRETARY BTC KOKARJHAR DIST.- KOKARJHAR ASSAM
PIN- 783370.

4: THE SECRETARY LAND REVENUE AND DISASTER MANAGEMENT
DEPARTMENT BTC KOKRAJHAR DIST.- KOKRAJHAR ASSAM PIN- 783370.

5: THE SETTLEMENT OFFICER DHUBRI AND KOKRAJHAR
DIST.- DHUBRI ASSAM.

6: THE ASSISTANT SETTLEMENT OFFICER
BAGRIBARI REVENUE CIRCLE KOKRAJHAR.

7:SAHA ALOM TALUKDAR
SON OF LATE ABDUR RAHMAN TALUKDAR VILL- SINGHIMARI P.O. AND
P.S.- CHAPOR DISTRICT- DHUBRI ASSAM PIN- 783371.

8:ON THE DEATH OF SAHJAMAL TALUKDAR HIS LEGAL HEIRS
KOKRAJHAR ASSAM.

8.1:MUSTAFIZUR RAHMAN TALUKDAR
S/O- LATE SAHJAMAL TALUKDAR RESIDENT OF VILL.- KHANABARI
ARAINI PART-II P.O.- BAGRIBARI DISTRICT- KOKRAJHAR ASSAM PIN-
783349.

8.2:MIHIR NEHAR (WIFE)
W/O- LATE SAHJAMAL TALUKDAR RESIDENT OF VILL.- KHANABARI
ARAINI PART-II P.O.- BAGRIBARI DISTRICT- KOKRAJHAR ASSAM PIN-
783349.

8.3:KHADEJA KHATUN
D/O- LATE SAHJAMAL TALUKDAR RESIDENT OF VILL.- KHANABARI
ARAINI PART-II P.O.- BAGRIBARI DISTRICT- KOKRAJHAR ASSAM PIN-
783349.

8.4:TAJLIMA TALUKDAR
D/O- LATE SAHJAMAL TALUKDAR RESIDENT OF VILL.- KHANABARI
ARAINI PART-II P.O.- BAGRIBARI DISTRICT- KOKRAJHAR ASSAM
PIN- 783349.

8.5:YASMIN SULTANA TALUKDAR
D/O- LATE SAHJAMAL TALUKDAR RESIDENT OF VILL.- KHANABARI
ARAINI PART-II P.O.- BAGRIBARI DISTRICT- KOKRAJHAR ASSAM PIN-
783349

For the Petitioner(s) : Mrs. R. Choudhury, Sr. Advocate, assisted by Ms. S.E. Murtaza,
Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue Department for
respondent No.1.

: Mr. S. Baruah, Junior Government Advocate, Assam for respondent
No.2.

: Ms. B. Bora, Standing Counsel, BTC for respondent Nos.3 & 4.

: Mr. D.J. Das, Advocate for respondent No.7.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

08.06.2026

(Ashutosh Kumar, CJ)

Ms. B. Bora, learned Standing Counsel, BTC seeks some time to address this Court.

This writ petition initially was with respect to a dispute between the petitioners and the private respondents, who have common ancestry.

The contentious issue was the entry of their names in the Revenue Records, which would be critical for determining their respective rights over the inherited property. There was some disagreement about particular entries in the Revenue Records, which dispute was taken in appeal before the Secretary, Land Revenue & Disaster Management Department, BTC.

The Secretary, Land Revenue & Disaster Management Department, BTC (respondent No.4) decided the appeal in favour of the private respondents.

The decision of the Secretary, Land Revenue & Disaster Management Department, BTC was questioned by the petitioners on the ground that the order was passed without issuing any notice to them. The petitioners also questioned the jurisdiction of the Secretary, Land Revenue & Disaster Management Department, BTC to hear such appeal in the first instance.

During the course of hearing, a Notification by the BTC dated 30.12.2016 was produced, which actually notified the Secretary, Land Revenue & Disaster Management Department, BTC as the First Appellate

Authority in such matters. According to the Notification, the Second Appeal would only lie to the Assam Board of Revenue.

It was then that the petitioners chose to question such Notification on account of the same being legally flawed and invalid. The Notification, according to the petitioners, is *ultra vires* and inconsistent with the provisions of the Constitution of India and the Assam Land & Revenue Regulation, 1886, which was adopted by the BTC but without any modification in the same.

The records further reveal that a legislative route also has been taken now to further confirm the position of the Secretary, Land Revenue & Disaster Management Department, BTC as the First Appellate Authority.

The Bodoland Territorial Council Land and Revenue Regulation (Application and Amendment) Bill, 2024 was placed before the BTC and the same was passed on 12.12.2024. The bill is now pending before the Governor of Assam for his assent.

In that case, the challenge would fail.

Let this matter come up for consideration, as requested by Ms. Bora, on **26.08.2026**.

JUDGE

CHIEF JUSTICE