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

**Case No. : WP(C)/54/2025**

SMTI. JYOTIKA TERON AND 3 ORS.  
W/O LATE KARUNA KANTA TERON, R/O VILL- PAMOHI (MOINA  
KHURUNG), NEAR PHC, P.O. AND P.S.-GARCHUK, GUWAHATI, KAMRUP  
(M), ASSAM, PINCODE-781040

2: PRIYANKA TERON  
D/O LATE KARUNA KANTA TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PINCODE-781040

3: DIGAMBAR TERON  
S/O LATE KARUNA KANTA TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PINCODE-781040

4: TARULATA TERON  
D/O LATE KARUNA KANTA TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PINCODE-78104

VERSUS

RATUL BAISHYA AND 14 ORS.

S/O LATE RAMESWAR BAISHYA AND MOTHER OF LATE PUTUL BAISHYA,  
R/O AZARA, P.O. AND P.S.-AZARA, DIST- KAMRUP (M), ASSAM, PIN-781017

2:CHANDAN BAISHYA

S/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA  
R/O AZARA  
P.O. AND P.S.-AZARA  
DIST- KAMRUP (M)  
ASSAM  
PIN-781017

3:DILIP BAISHYA

S/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA  
R/O AZARA  
P.O. AND P.S.-AZARA  
DIST- KAMRUP (M)  
ASSAM  
PIN-781017

4:SMTI. BIMALA BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA  
R/O AZARA  
P.O. AND P.S.-AZARA  
DIST- KAMRUP (M)  
ASSAM  
PIN-781017

5:SMTI. PADUMI BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA  
R/O AZARA  
P.O. AND P.S.-AZARA  
DIST- KAMRUP (M)  
ASSAM  
PIN-781017

6:SMTI. LIPIKA BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA  
R/O AZARA  
P.O. AND P.S.-AZARA  
DIST- KAMRUP (M)  
ASSAM  
PIN-781017

7:PRASANA TERON

S/O LATE KAMINI TERONG  
R/O PAMOHI  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

8:SABITA TERON  
W/O LATE BIREN TERON  
R/O PAMOHI  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

9:SANKAR TERON  
S/O LATE MAMAT TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

10:GUNESWAR TERON  
S/O LATE MAMAT TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

11:GOBINDA TERON  
S/O LATE JAMIN TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

12:GOPAL TERON

S/O LATE JAMIN TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

13:TARUN TERON  
S/O LATE JAMIN TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

14:MUKUL TERON  
S/O LATE JAMIN TERON  
R/O VILL- PAMOHI (MOINA KHURUNG)  
NEAR PHC  
P.O. AND P.S.-GARCHUK  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781040

15:PROTIVA BORO  
W/O AJAY KR. RABHA  
R/O HOUSE NO. 11  
JAPORIGOG  
LAKHI NAGAR  
P.O. AND P.S.-DISPUR  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-78100

**Advocate for the Petitioner** : MR. FIRUZ KHAN, P. NATH, RHITUSHREE TALUKDAR, MR. ABHIJIT MENA, MR. T K DAS, MR U CHAUDHURY

**Advocate for the Respondent** : MR H K DAS, SC, GHC

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : --28.01.2025**

Heard Mr. F. Khan, learned counsel for the petitioners and Mr. M.K. Sharma, learned counsel representing Mr. H.K. Das, learned Standing Counsel, GHC, who has been requested to appear and assist in the matter.

2. The petitioners, 4 [four] in nos. have claimed that they are successors-in-interest of one Karuna Kanta Teron. Their predecessor-in-interest, Tarun Kanta Teron was a co-pattadar in respect of a plot of land measuring 11 Bighas, 0 Kathas and 8 Lessas [11B-0K-8L], covered by Dag no. 412 & K.P. Patta no. 9, situate at Village – Pamohi, Mouza – Ramcharani, Azara Revenue Circle, Guwahati sub-division, District - Kamrup [Metro] [‘the subject-plot’ and/or ‘subject-land’] along with others which included the respondent nos. 1-14. The petitioners have stated after demise of Tarun Kanta Teron, the names of the petitioners stood mutated in respect of the subject-land pursuant to Mutation Order dated 21.02.2023, passed by the Circle Officer, Azara Revenue Circle. The petitioners have, thus, projected that they are the co-pattadars in respect of the subject-land.

3. In this petition, the petitioners have stated that the respondent nos. 1-6 on one side, as plaintiffs, had instituted a title suit, Title Suit no. 47/2023 before the Court of learned Civil Judge [Senior Division] no. 1, Kamrup [Metro] seeking declaration of right, title and interest and confirmation of possession of the plaintiffs’ over the suit-land, which is the subject-land described hereinabove. In the said title suit, the respondent nos. 7-14 were impleaded as the defendants. After issuance of notice, the respondent no. 7-14 appeared as the defendants and initially, contested the suit by filing their writ statements. It is stated that the respondent no. 15 is a constituted attorney of the respondent nos. 1-6.

4. The petitioners have stated that during the pendency of the title suit, the Court referred the title-suit to the National Lok Adalat, scheduled to be held on 09.09.2023.

5. Before the National Lok Adalat, the plaintiffs [the respondent nos. 1-6] on one side and the defendants [the respondent no. 7-14] on the other side appeared before the National

Lok Adalat and submitted that they had entered into an amicable settlement in the following manner :-

- [a] That the plaintiffs [respondent nos. 1-6] will pay an amount of Rs. 20,00,000/- [Rupees Twenty Lakhs only] as compensation to the defendants [Respondent nos. 7-14].
- [b] That the plaintiffs [Respondent nos. 1-6] will get their share measuring 3 [three] Bighas 4 [four] Kathas 11 [eleven] Lechas as prayed in suit and described in Schedule – B to the plaint; and the defendants [Respondent nos. 7-14] shall also get their respective shares of land, i.e. Respondent nos. 7 to 10 – 3 [three] Bighas 1 [one] Katha 6 [six] Lechas [Schedule – D] and Respondent nos. 11 to 14 – 3 [three] Bighas 4 [four] Kathas 11 [eleven] Lechas [Schedule – C], out of the land.

6. This writ petition is preferred by the petitioners as successors-in-interest of Tarun Kanta Teron, a co-pattadar of the subject-land on the ground that the plaintiffs and the defendants had instituted the title-suit without making either the Tarun Kanta Teron or the petitioners as parties in Title Suit no. 47/2023 and thereafter, entered into an amicable settlement in the afore-stated manner behind the back of the petitioners. In the National Lok Adalat held on 09.09.2023, an Award came to be passed on the ground that the plaintiffs and the defendants had compromised and settled the case in the afore-stated manner.

7. The grounds of challenge of the Award of National Lok Adalat is that fraud has been perpetrated in instituting the title-suit of Tarun Kanta Teron [died on 25.04.2022] at first and thereafter, in entering into an amicable settlement resulting into the Award of the National Lok Adalat, held on 09.09.2023.

8. Mr. Sharma, learned counsel has raised an issue on maintainability of the writ petition against an Award of the National Lok Adalat on the ground that in the writ petition, the State is not made a party and the Court which passed the Award is also not made a party.

9. Issue notice returnable on 03.03.2025.

10. The petitioner shall take steps for service of notice upon the respondents by registered post with A/D within 2 [two] working days from today.

11. Having regards to the projections made on behalf of the petitioners, this Court is of the considered view that the petitioners have made out a *prima facie* case for an interim order. Accordingly, it is observed, as an ad-interim measure, that the operation of the award dated 09.09.2023 passed by the National Lok Adalat on 09.09.2023 shall be kept in abeyance till the returnable date.

**JUDGE**

**Comparing Assistant**