

GAHC010266892024



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

**Case No. : CRP(IO)/524/2024**

NAYAN CHOUDHURY AND ANR  
S/O LATE RAJANI CHOUDHURY  
RESIDENHT OF VILLAGE BHOUKAMARI, MOUZA HASTINAPUR, PS  
PATACHARKUCHI, DIST BAJALI, ASSAM 781325

2: SMTI BINADA CHOUDHURY  
W/O LATE RAJANI CHOUDHURY

RESIDENHT OF VILLAGE BHOUKAMARI  
MOUZA HASTINAPUR  
PS PATACHARKUCHI  
DIST BAJALI  
ASSAM 78132

VERSUS

THE GOVT. OF ASSAM AND ORS  
REPRESENTED BY THE CHIEF SECRETARY, BLOCK C, 3RD FLOOR, ASSAM  
SACHIVALAYA, DISPUR GUWAHATI KAMRUP M ASSAM 781001

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS  
ASSAM  
RUPNAGAR  
GUWAHATI 781032

3:THE DEPUTY COMMISSIONER  
BAJALI  
ASSAM 781325

4:THE CIRCLE OFFICER

SARUPETA REVENUE CIRCLE  
CIRCLE OFFICE  
SARUPETA REVENUE CIRCLE

SARUPETA DIST BAJALI  
ASSAM

5:SHRI MAKUNA TALUKAR

S./O KAMALESWAR  
RESIDENT OF VILLAEG SARALPARA  
MOUZA HASTINAPUR  
PS PATACHARKUCHI  
DI9ST BAJALI  
ASSAM

6:SRI KARTIK TALUKDAR

S./O KAMALESWAR  
RESIDENT OF VILLAEG SARALPARA  
MOUZA HASTINAPUR  
PS PATACHARKUCHI  
DI9ST BAJALI  
ASSAM

7:SMTI CHANDRA PRABHA TALUKDAR  
W/O ASCHYUT

RESIDENT OF VILLAEG SARALPARA  
MOUZA HASTINAPUR  
PS PATACHARKUCHI  
DI9ST BAJALI  
ASSA

**Advocate for the Petitioner** : N CHAUDHURY, MR. B D DEKA,MR. M DAS,MR A BHATRA,MR A DEKA

**Advocate for the Respondent** : GA, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 13.12.2024**

Heard Mr. B.D. Deka, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned counsel for the respondent Nos. 1, 3 and 4 and Ms.

P.R. Mahanta, learned counsel for the respondent No. 2.

This is an application under Article 227 of Constitution of India, assailing the order dated 17.08.2024 passed by the learned Civil Judge (Sr. Div.), Bajali, Pathsala in Misc.(J) Case No. 22/2023 arising out of T.S. No. 02/2022.

Issue notice.

The petitioner shall take step(s) for service of notice upon the respondent Nos. 5 to 7 by registered post with AD as well as other usual service returnable within 4(four) weeks. The steps be taken within 7(seven) days.

Call for the scanned copy of trial court record. The Registry is directed to procure the same from the concerned court.

It is submitted by the learned counsel for the petitioner that during pendency of the case, he has filed a petition before the learned trial court for correction in the eastern boundary of the Schedule-A, wherein it has been inadvertently written as Dag No 729, Mukunda Talukdar & Ors. But in actual in the Eastern side of Schedule-A, there is Government land and National Highway(old). The prayer of the petitioner was rejected by the learned trial court. As such, he has prayed that further proceeding of the case may be stayed.

In support of his submission, learned counsel for the petitioner has placed reliance on the following case law- Sunil Ghosh v. Dijendra Lal Das & Ors. (2022) 1 GAU LR 558.

Considering the submission made by the learned counsel for the petitioner, it is hereby directed that till returnable date, the further

proceeding in connection with T.S. Case No. 02/2022, pending in the court of learned Civil Judge(Sr. Div.), Bajali, Pathsala, shall remain stayed.

List accordingly.

**JUDGE**

**Comparing Assistant**