

GAHC010273402025



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

Case No. : WP(C)/7396/2025

RAM KUMAR MONDAL
S/O- LATE PHATIK MONDAL, R/O- VILLAGE- NO. 2 KALAKHOWA, MOUZA
NOWBOICHA, DISTRICT- LAKHIMPUR, ASSAM, PIN- 787023

VERSUS

HARALAL RAI BISWAS AND ANR
SON OF LATE JITENDRA BISWAS, R/O- VILLAGE NO. 2, KALAKHOWA,
MOUZA- NOWBOICHA, DISTRICT LAKHIMPUR, ASSAM, PIN- 787023

2:SRI JAHARLAL RAI BISWAS
SON OF LATE JITENDRA BISWAS
R/O- VILLAGE NO. 2
KALAKHOWA
MOUZA- NOWBOICHA
DISTRICT LAKHIMPUR
ASSAM
PIN- 78702

Advocate for the Petitioner : MR. P D NAIR, MR. H ROHMAN,MR G ALAM,U PRASAD

Advocate for the Respondent : MR SISHIR DUTTA, FOR CAVEATOR,MR. S DUTTA

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19-12-2025

Heard Shri G. Alam, learned counsel for the petitioner, who is aggrieved by a proceeding before the Assam Board of Revenue in a Case No. 64RA(L)/2023. Amongst others, it has been contended that the appeal was barred by time and without condoning the delay, the appeal has been admitted, proceeded with and the hearing is fixed on 06.01.2026.

Shri S. Dutta, learned Senior Counsel appearing for the respondent nos. 1 & 2 has however submitted that the aspect of delay is kept open which would be taken up for final hearing. He has also placed reliance on a Full Bench judgment reported in ***AIR 1977 Gau 83 (Satyaranjan Paul Majumdar Vs Assam Board of Revenue)***.

Let **notice** be issued, returnable on **21.01.2026**.

Call for a scanned copy of the records of the learned Assam Board of Revenue.

Shri Siddhant Dutta, learned counsel assisting Shri Dutta, learned Senior Counsel accepts notice on behalf of both the respondents.

Let extra copies be served upon him during the course of the day.

It is however noted that the learned Assam Board of Revenue has not been made a party respondent.

Shri Alam, learned counsel prays for and is granted liberty to file appropriate application for impleadment of necessary parties.

Shri Alam, the learned counsel for the petitioner prays for an interim order which however is opposed by the learned Senior Counsel for the respondents.

Without going into the *inter se* merits of the dispute, to balance the equities, it is provided that the hearing slated on 06.01.2026 before the learned Board be deferred till further order(s) to be passed by the Court on the returnable date.

JUDGE

Comparing Assistant