

GAHC010277122025



2026:GAU-AS:7437

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

Case No. : WP(C)/142/2026

JENIFA AFRIN
D/O- ABDUL BATEN, R/O- MAYARCHAR PART-0V, P.O. NAYERALGA, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE (L.R.) DEPTT., DISPUR, GHY-06.

2:THE DISTRICT COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM
PIN- 783301.

3:THE CO DISTRICT COMMISSIONER
BILASIPARA
P.O. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

4:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE.
P.O. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348

Advocate for the Petitioner : MR M A ISLAM, MR J I MONDAL

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 25.05.2026

Mr. M.A. Islam, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent no. 1; and Mr. H. Sharma, learned Additional Senior Government Advocate, Assam for the respondent nos. 2, 3 & 4.

2. The petitioner has stated that she is the absolute owner of a plot of land measuring 2 Kathas & 2 Lessas, covered by Dag no. 92 & K.P. Patta no. 90, situate at Village – Hakama Part-II [Town], Bilasipara Revenue Circle, District – Dhubri [‘the subject-plot’, for short] and also is in its possession. As the father of the petitioner is a kidney patient and for his treatment, the petitioner was in need of finance, she had entered into an Agreement for Sale of the subject-land with an intended purchaser on 14.09.2025 for an agreed consideration of Rs. 12 Lakhs. The petitioner has stated that she has already received a part of the total consideration, Rs. 10 Lakhs from the intended purchaser, as advance.

3. After execution of the Agreement for Sale of subjecte-land on 14.09.2025 and receipt of the part-consideration of Rs. 10 Lakhs, the petitioner submitted an application through Sewa Setu Portal seeking the service, ‘Composite Land Sale Transfer’ and receipt of the application was acknowledged on 18.11.2025 with an intimation either to extend the service or to reject it with reasons within a period of 45 days. When no step for disposal of the application was found to have been taken, the petitioner preferred the writ petition.

4. The respondent no. 4 has filed an affidavit-in-opposition on 14.05.2026, wherein it is stated that on 31.12.2025, the application of the petitioner for the service, ‘Composite Land Sale Transfer’ has been rejected by the respondent no. 4 on the basis of a report received from the Land Record Assistant [LRA] wherein it was reported that the petitioner did not submit the Geo-tagging photographs and the land revenue Receipt with the application.

5. The rejection of the petitioner's application on the said two grounds has been objected to by Mr. Islam, learned counsel for the petitioner on the ground that the petitioner had submitted up-to-date land revenue deposit receipts along with the application, and the rejection of the petitioner's application on the said ground is not tenable. He has further submitted that in so far as Geo-tagging photographs are concerned, it is after submission of an application, the land revenue staff from the office of the respondent no. 4 had to visit the subject-plot to take such photographs and it is not required on the part of an applicant to submit any Geo-tagging photograph along with the application.

6. In view of the contrary stands taken by the petitioner and the respondent no. 4 who has rejected the application on 31.12.2025, disputed questions of fact have arisen for consideration. This Court in its writ jurisdiction does not sit as an appellate Court and does not go into such question of fact in its certiorari jurisdiction. Adequacy or sufficiency of the reason for dismissal of the application does not fall within the purview of the power of judicial review. Be that as it may.

7. As the application of the petitioner for 'Composite Land Sale Transfer' has been rejected due to the afore-stated two deficiencies, it is still open for the petitioner to submit a fresh application seeking the notified public service, 'Composite Land Sale Transfer'.

8. By a Notification dated 11.11.2022, the Revenue & Disaster Management Department in the State Government has declared Composite Land Service Transfer as a notified service. The notification has been issued with a view to provide delivery of public service to eligible citizens within the stipulated time limit and others as under :-

Subject: Declaration of Service under Revenue & DM Department as per provision of the Assam Right to Public Services Act, 2012 in all Districts [except sixth scheduled Districts] of Assam

With a view to provide the delivery to Public Service to eligible citizens within stipulated time limit, Revenue & DM Department in continuation of earlier Notification No. RSS.203/2022/1 dated 6th May 2022 has notified the

below service under the Assam Right to Public Services Act, 2012.

Service Name : Composite Land Service Transfer

An important service provided by the Deputy Commissioner regarding Land Sale permission is 'NoC for Transfer of Immovable Property' under section 21[A] of the Indian Registration Act, 1908. However once NoC is issued by the O/o the Deputy Commissioner, applicant has to apply for Registration of the Scheduled land in Sub Registrar Office following separate applications for Mutation, Partition, Jamabandi etc. in the concerned Circle Office.

'Composite Land Sale Transfer' intends for issuing No Objection Certificate for the Transfer of Immovable property at O/o Deputy Commissioner followed by Registration of Property at the Sub Registrar Office followed by auto mutation and auto Composite Land Sale Transfer Service with 'Auto Mutation' or 'Auto Mutation along with Partition' at the time of submitting the Application form.

Eligibility criteria :

Anyone in whose name figures in Jamabandi/Record of Rights or his/her legal heir/successor or his/her registered power of attorney holder is eligible to avail the service online.

Designated Public Servant [DPS]:

Deputy Commissioner/to the nominated by Deputy Commissioner.

9. The Notification has further provided for procedural steps to be followed by the authorities involved in providing the notified public service. The notification has further mentioned about the user charges. As per the Citizen Charter annexed to the Notification as

Annexure-I, for the notified public service 'Composite Land Sale Transfer', the Deputy Commissioner or the authority to be nominated by the Deputy Commissioner is the Designated Public Servant and the stipulated time limit for providing the service is mentioned. In the Citizen Charter the Appellate Authority has been mentioned.

10. As it is open for the petitioner to file an application afresh, this writ petition is disposed of, permitting the petitioner to submit a fresh application along with all the requisite documents. In the event such application is filed, the respondent authorities shall process the application strictly in terms of the provisions of the Assam Right to Public Services Act, 2012 and the Notification dated 11.11.2022 of the Revenue & Disaster Management Department. No cost.

JUDGE

Comparing Assistant