

GAHC010283432025



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

Case No. : WP(C)/7432/2025

MD. RAFIQUE AHMED AND 3 ORS.
S/O- LATE ABDUL BARI, R/O- SONAPUR, P.O. SONAPUR, P.S. KHETRI, DIST.
KAMRUP METRO, ASSAM

2: MD. ABDUL AZIZ
S/O- LATE ABDUL BARI
R/O- SONAPUR
P.O. SONAPUR
P.S. KHETRI
DIST. KAMRUP METRO
ASSAM

3: MD. RIYAZUDDIN
S/O- LATE ABDUL BARI
R/O- SONAPUR
P.O. SONAPUR
P.S. KHETRI
DIST. KAMRUP METRO
ASSAM

4: MD. SARIFUDDIN
S/O- LATE ABDUL BARI
R/O- SONAPUR
P.O. SONAPUR
P.S. KHETRI
DIST. KAMRUP METRO
ASSA

VERSUS

THE STATE OF ASSAM AND 13 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPTT, SACHIVALAYA,
DISPUR, GUWAHATI- 781006.

2:THE DISTRICT COMMISSIONER
KAMRUP METRO DISTRICT
GUWAHATI
ASSAM

3:THE ADDL. DISTRICT COMMISSIONER
KAMRUP METRO DISTRICT
GUWAHATI
ASSAM

4:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
KAMRUP METRO
ASSAM

5:ON THE DEATH OF INAMUL HAQUE
HIS LEGAL HEIRS AMIRON HAQUE
W/O- LATE INNAMUL HAQUE
R/O- COLONEL J. ALI ROAD
LAKHTOKIA
P.S. PANBAZAR
DIST. KAMRUP METRO
ASSAM

6:SEHNAJ AKHTAR HAQUE
D/O- LATE INNAMUL HAQUE
R/O- COLONEL J. ALI ROAD
LAKHTOKIA
P.S. PANBAZAR
DIST. KAMRUP METRO
ASSAM

7:MD. NAWAZUL HAQUE
S/O- LATE ABDUL HAQUE
COLONEL J. ALI ROAD
LAKHTOKIA
P.S. PANBAZAR
DIST. KAMRUP METRO
ASSAM

8:MUSSTT. RASIDA BEGUM
W/O- LATE AMZED MIYAN
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

9:MD. AFTAB HUSSAIN
S/O- LATE AMZED MIYAN
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

10:MD. HAROON ALI
S/O- LATE AMZED MIYAN
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

11:MD. ABDUL MALIK
SINCE DECEASED
REPRESENTED BY REJINA BEGUM
W/O- MD. ABDUL MALIK
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

12:RIHANA BEGUM
D/O- MD. ABDUL MALIK
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

13:MUSSTT HAZIRA BEGUM
W/O- IDRIE ALI D/O- LATE AMZED MIYAN
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI
DIST. KAMRUP
ASSAM

14:MUSSTT ELORA BEGUM
D/O- IDRIE ALI D/O- LATE AMZED MIYAN
R/O- SONAPUR
MOUZA- SONAPUR
P.S. KHETRI

DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, MR. U K DEKA, MS. P BORAH

Advocate for the Respondent : GA, ASSAM, FOR CAVEATOR, MR P DAS, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.12.2025

Heard Shri S. Borthakur, learned counsel for the petitioners.

The petitioners have put to challenge a judgment dated 18.09.2025 passed by the learned Assam Board of Revenue in Revenue Case no. 87RA(K)/2023. It is contended that initially, the petitioners had made an application under Section 23 of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 which was decided in their favour. However, the same was put to challenge by the private respondents which was allowed by the learned Board. Being aggrieved, the petitioners filed a writ petition, being WP(C)/5887/2010 wherein an order was passed by this Court on 19.11.2015 giving liberty to the petitioners to file afresh. On such application, the status of the petitioners as Khatian has been maintained. It is this matter which is the subject matter of challenge in the present round of litigation before the learned Assam Board of Revenue.

Let notice be issued, returnable on 04.02.2026.

Call for the records.

Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department, Assam accepts notice on behalf of the respondent no.1; Shri N. Das, learned State Counsel, Assam accepts notice on behalf of the respondent nos. 2, 3 and 4 whereas Shri G. Das, learned counsel who has entered appearance by filing a Caveat accepts notice on

behalf of the respondent nos. 8 to 12. He has submitted that the respondent no. 7 has already expired and this fact was known to the petitioners.

Extra copies of the writ petition along with its annexures be served upon the learned counsel for the respondents.

Be that as it may, let steps for service of notice upon the other respondents be taken by speed post with A/D.

Steps within 2 working days.

Shri Borthakur, learned counsel for the petitioners prays for an interim order.

Considering the facts and circumstances and by balancing the equities, it is provided that till the returnable date, the impugned judgment dated 18.09.2025 passed by the learned Assam Board of Revenue shall remain suspended.

JUDGE

Comparing Assistant