

GAHC010208342025



2026:GAU-AS:9539

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

Case No. : WP(C)/5512/2025

PUAL DAS
S/O LT DIMBA DAS R/O SATGOAN KOCHPARA PO UDAYAN VIHAR PSI
SATGAON GUWAHATI 17 DIST KAMRUP METRO ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
REVENUE L R DEPTT DISPUR GUWAHATI 6

2:THE DISTRICT COMMISSIONER KAMRUP METRO
HENGRABARI GUWAHATI 36

3:THE CIRCLE OFFICER DISPUR REVENUE CIRCLE BASISTHA
GUWAHATI 29

4:ARBINDER KAUR HINGORANI
D/O LT KISHAN SINGH R/O SATGAON KOCHPARA PO UDAYAN VIHAR PS
SATGAON GUWAHATI 117 DIST KAMRUP METRO ASSAM

5:DHIRAJ SINGH
S/O LT KISHAN SINGH R/O SATGAON KOCHPARA PO UDAYAN VIHAR PS
SATGAON GUWAHATI 117 DIST KAMRUP METRO ASSAM

6:MANISHA SINGH
SDO LT BITU SINGH R/O SATGAON KOCHPARA PO UDAYAN VIHAR PS
SATGAON GUWAHATI 117 DIST KAMRUP METRO ASSAM

7:HIMADRI SINGH
D/O LTBITU SINGH R/O SATGAON KOCHPARA PO UDAYAN VIHAR PS
SATGAON GUWAHATI 117 DIST KAMRUP METRO ASSA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. M. A. Islam, Advocate

For the Respondent(s) : Ms. P. R. Mahanta, Standing Counsel
: Mr. S. S. Roy, Government Advocate
: Ms. H. M. Phukan, Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **13.07.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : Yes
- Whether the full Judgment has been Pronounced : N/A

JUDGMENT AND ORDER (ORAL)

Heard Mr. M. A. Islam, the learned counsel appearing on behalf of the Petitioner and Ms. P. R. Mahanta, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Mr. S. S. Roy, the learned Government Advocate appearing on behalf of the Respondent Nos. 2 and 3 and Ms. H. M. Phukan, the learned counsel appearing on behalf of the Respondent No.4. Respondent Nos. 5, 6 and 7 have not put in their appearance.

2. The present writ petition has been filed assailing the order dated 15.07.2025 passed in Case No.97RA(K)/2018 whereby the learned Assam Board of Revenue dismissed the Appeal filed by the

Petitioner thereby affirming the order dated 08.05.2018 passed by the Additional Deputy Commissioner, Kamrup (M) in RA(M) No.3/2015-16.

3. The materials on record show that pursuant to a Deed of Agreement dated 12.10.2002 entered into by and between the Petitioner and the Respondent No.5 and the predecessor-in-interest of the Respondent Nos. 6 and 7 for sale of 10 Lechas of land out of 2 Kathas 10 Lechas covered by Dag No.1341 of Patta No.194 of village Satgaon under Mouza Beltola, a registered Deed of Sale was executed on 12.03.2008. In pursuance to the said Deed of Sale dated 12.03.2008, the Petitioner filed an application for mutation before the Circle Officer, Dispur Revenue Circle. Pursuant to the said Deed of Sale, vide an order dated 20.03.2014, the plot of land admeasuring 1.34 Are out of 6.21 Are of Dag No.1429 of Patta No.496 of village Satgaon under Mouza Beltola was mutated in favour of the Petitioner.

4. It may not be out of place to mention that at the time when the order dated 20.03.2014 was passed by the Circle Officer, Dispur Revenue Circle, the name of the Respondent No.4 was already mutated over the said land along with her brothers i.e. the vendors of the Petitioner. However, without issuance of any notice

to the Respondent No.4, the said impugned order dated 20.03.2014 was passed.

5. The Respondent No.4 being aggrieved preferred an Appeal which was registered and numbered as RA(M) No.3/2015-16, before the learned Additional Deputy Commissioner, Kamrup (M) challenging the order dated 20.03.2014 passed by the Circle Officer, Dispur Revenue Circle. The said Appeal vide an order dated 08.05.2018 was allowed thereby setting aside the said mutation granted in favour of the Petitioner solely on the ground that the said mutation granted in favour of the Petitioner was without notice to one of the co-owners.

6. An Appeal thereagainst was filed before the learned Assam Board of Revenue which was registered and numbered as Case No.97RA(K)/2018. The learned Assam Board of Revenue vide the impugned order dated 15.07.2025 dismissed the said Appeal and it is under such circumstances, the present writ petition has been filed.

7. The question arises in the instant proceedings as to whether this Court in exercise of its certiorari jurisdiction under Article 226 of the Constitution should interfere with the impugned order dated

15.07.2025 passed by the learned Assam Board of Revenue.

8. Section 52 of the Assam Land and Revenue Regulation, 1886 (for short 'Regulation') being relevant is reproduced herein under:

“52. Procedure on application for registration.-

(1) *On receiving an application under Section 50 or section 51, the Deputy Commissioner shall, if he considers there are sufficient grounds for proceeding with the application, publish a notice requiring all persons who object to the registration of the name of applicant, or who dispute the nature or extent of interest in respect of which registration is applied for, to give in a written statement of their objections, and to appear on a day to be specified in the notice, not being less than one month from the date thereof.*

(2) *If the application alleges that the applicant has acquired possession of the estate, or share in an estate in respect of which he applies to be registered by transfer from any person, a copy of the notice shall be served on the alleged transfer or, if he is dead, upon his heirs.”*

9. From a perusal of the above quoted provision more particularly Sub-Section (1) of Section 52 of the Regulation, it is apparently clear that upon receiving an application, the Deputy Commissioner is required to publish a notice requiring all persons who object to the registration of the name of the applicant or who disputes the nature or extent of interest in respect of which

registration is applied for, to give a written statement of their objections and to appear on the day to be specified in the notice of not less than 1 (one) month from the date thereof.

10. In the instant case, as the Respondent No.4's name was already mutated along with the vendors of the Petitioner in respect to the same plot of land. Irrespective of the fact that only a portion of the land have been sold to the Petitioner, it was therefore the requirement of law that notice ought to have been issued to the Respondent No.4.

11. This Court has duly taken note of the order dated 08.05.2018 passed by the Additional Deputy Commissioner, Kamrup (M) in RA(M) No.3/2015-16 and the Additional Deputy Commissioner, Kamrup (M) by duly applying Section 52 of the Regulation had held that the mutation so carried out without issuance of notice to one of the co-owners of the land was in violation of Section 52 of the Regulation, cannot be said to be wrong application of law. The said aspect has been therefore affirmed by the learned Assam Board of Revenue.

12. This Court has also taken note of that the learned Assam Board of Revenue despite dismissing the Appeal filed by the

Petitioner granted liberty to the Petitioner to approach the Circle Officer, Dispur Revenue Circle for mutation afresh. Under such circumstances, this Court therefore does not find the present writ petition to be a fit case for being entertained.

13. Accordingly, the instant writ petition stands dismissed.

14. Before parting with the records, this Court however makes it clear that the dismissal of the instant writ petition or the Appeal filed by the Petitioner before the learned Assam Board of Revenue shall not prejudice the Petitioner to claim mutation on the basis of the registered Deed of Sale bearing Deed No.4104/2008 dated 12.03.2008 in respect to a part of the total land i.e. 10 Lechas out of 2 Kathas 10 Lechas covered by Dag No.1341 of K.P. Patta No.194 {Dag No.1429 and Patta No.496 (new)} of village Satgaon, Mouza Beltola in the district of Kamrup (M), Guwahati.

**Bijoy
Saha**

Digitally signed
by Bijoy Saha
Date: 2026.07.13
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JUDGE

Comparing Assistant