

GAHC010191422021



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

Case No. : WP(C)/6434/2021

ON THE DEATH OF ABUL FOJOL PRODHANI, HIS LEGAL HEIRS AND 2 ORS
S/O LATE NABIAR RAHMAN PRODHANI, R/O VILL AND P.O.-
HATSINGIMARI, P.S.-SOUTH SALMARA, DIST-SOUTH SALMARA-
MANKACHAR (ASSAM)

1.1: (a) ROSHINA BEGUM
W/O. LATE ABUL FOJOL PRODHANI.

1.2: (b) AFRUJA BEGUM
D/O. LATE ABUL FOJOL PRODHANI

W/O. AMJAD ALI

1.3: (c) ANOWARA BEGUM
D/O. LATE ABUL FOJOL PRODHANI

W/O. HAIDER ALI.

1.4: (d) RAFIQUUL ISLAM PRODHANI
S/O. LATE ABUL FOJOL PRODHANI.

1.5: (e) RANIJA BEGUM
D/O. LATE ABUL FOJOL PRODHANI

W/O. ZAKIR HUSSAIN.

1.6: (f) ANARKOLI BEGUM
D/O. LATE ABUL FOJOL PRODHANI

W/O. AZIRUL ISLAM.

1.7: (g) BABITA BEGUM
D/O. LATE ABUL FOJOL PRODHANI

W/O. RASHIL SK.

1.8: (h) SOFIQUL ISLAM PRODHANI
S/O. LATE ABUL FOJOL PRODHANI.

1.9: (i) SOFIUR RAHMAN PRADHANI
S/O. LATE ABUL FOJOL PRODHANI

1.10: (j) MOFIDABEGUM @ MOFIDA KHATUN
D/O. LATE ABUL FOJOL PRODHANI.
ALL ARE RESIDENT OF VILLAGE AND P.O. HATSINGIMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA-MANKACHAR
ASSAM.

2: FOTEY ALI PRODHANI
S/O LATE NABIAR RAHMAN PRODHANI
R/O VILL AND P.O.-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR (ASSAM)

3: KHAIRUL ISLAM PRODHANI
S/O LATE NABIAR RAHMAN PRODHANI
R/O VILL AND P.O.-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR (ASSAM)

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE (SETTLEMENT) DEPARTMENT, DISPUR, GUWAHATI-
6

2:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI-32

3:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
PIN-783131

4:THE SETTLEMENT OFFICER
DHUBRI AND KOKRAJHAR DISTRICTS
DHUBRI
PIN-783301

5:THE ASSISTANT SETTLEMENT OFFICER
MANKACHAR REVENUE CIRCLE
MANKACHAR
PIN-783131

6:THE CIRCLE OFFICER
MANKACHAR REVENUE CIRCLE
MANKACHAR
PIN-783131

7:FAZLUR RAHMAN PRODHANI
S/O LATE NABIAR RAHMAN PRODANI
VILL AND P.O.-HATSINGIMARI
PS.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR (ASSAM)
PIN-783135

8:NUREMA KHATUN
W/O NURUR ZAMAN SK
D/O LATE NABIAR RAHMAN PRODHANI
VILL AND P.O.-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR (ASSAM)
PIN-78313

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

04-01-2023

Heard Ms. R. Choudhury, learned counsel for the petitioners whereas the State is represented by Shri N. Goswami, learned counsel and Revenue Department is represented by Ms. G. Hazarika, learned Standing Counsel. Respondent Nos. 7 and 8 are represented by Shri S. Rana, learned counsel.

Considering the nature of the dispute and as agreed to by the parties, the writ petition is disposed of at the admission stage.

Initially this writ petition was filed by three numbers of petitioners. However, during the pendency, the petitioner No. 1 had passed away and has been substituted by his legal heirs. The grievance is broadly against the action of the Revenue authorities in inserting the names of the respondent Nos. 7 and 8 in the records of right pertaining to a plot of land measuring 2 Bigha 3 Katha 9 Lecha covered by Dag No.165 of Patta No. 64 (Khiraj Miadi) in Village Hatsingimari, Mouza Mankachar. It is not in a dispute that the petitioner and the private respondent Nos. 7 and 8 are the legal heirs of Nabiar Rahman Prodhani. It is the case of the petitioners that as per family arrangement, the present plot of land was allotted to the petitioners and the respondent Nos. 7 and 8 were allotted another plot. Accordingly, in the records of right, it was the names of the petitioners which found place. However, it appears that behind the back of the petitioners, the respondent Nos. 7 and 8 had applied for inclusion of their names and the same has been done. The petitioners alleged that the aforesaid correction has been done without giving any opportunity to the petitioners and on the aforesaid ground, the writ petition has been filed.

Ms. Choudhury, the learned counsel for the petitioners submits that the petitioners would be satisfied if the matter is remanded back through the concerned authority, namely, Settlement Officer, Dhubri and Kokrajhar districts to re-consider by hearing all the affected parties.

Shri S. Rana, the learned counsel for the respondent Nos. 7 and 8 however disputes the projection made by the petitioners and submits that they being the legal heirs of Nabiar Rahman Prodhani are at par and their names are rightly reflected in the records of right of the plot of land in question. The learned counsel however has not opposed to the proposition that a hearing may be afforded to all the affected parties before including their names in the records of right.

Shri N. Goswami, the learned State Counsel submits that such a direction may be issued which will redress the grievance of the petitioners.

In view of the aforesaid facts and circumstances and the broad consensus

arrived at in the Bar, the exercise for inclusion of the names of the respondent Nos. 7 and 8 in the Jamabandi of the plot of land in question be re-done by the competent authority indicated above by affording the affected parties i.e. the petitioners and the respondent Nos. 7 and 8 an opportunity of hearing. The parties would be at liberty to submit any written statement as well as documents to substantiate their respective claims.

The aforesaid exercise be conducted and completed within a period of 3 (three) months from the date of receipt of the certified copy of the order.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant