

GAHC010035152024



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

**Case No. : WP(C)/980/2024**

MD ALI @ MAHAMMAD ALI  
S/O- LT. SEKANDAR ALI, R/O- VILL- NO. 1 DOLABARI, MOUZA-  
BHAIRABPAD, P.O. KALIA BHOMORA, P.S. TEZPUR, PIN- 784027, DISTRICT-  
SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT  
DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER OF SONITPUR DISTRICT  
AT TEZPUR  
P.O. TEZPUR HEAD OFFICE  
PIN- 784001  
DISTRICT- SONITPUR  
ASSAM

**Advocate for the Petitioner : MR. M A SHEIKH**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 26-02-2024**

Heard M.A. Sheikh, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; and Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent no. 2.

2. The petitioner is the power-of-attorney holder of one Smti. Parbati Thapa [hereinafter referred to as 'the applicant', for short]. The applicant through the attorney holder has approached this Court under Article 226 of the Constitution of India by the present writ petition raising a grievance relating to conversion of a plot of land measuring 2 Bighas 2 Kathas 7 lessas, situate at Village – Dolabari no. 1, Mouza – Bhairabpad, Tezpur Revenue Circle, District – Sonitpur ['the subject-plot', for short]. The applicant has stated that earlier the subject-plot was covered by a periodic patta but by an order dated 25.07.2008 of the respondent no. 2, the subject-plot along with other plots was converted to annual patta land and the subject-plot had been included within Annual Patta no. 16. The applicant had thereafter, submitted an application before the respondent no. 2 on 06.01.2016 requesting for conversion of the subject-plot from annual patta land to periodic patta land again. Upon consideration of the said application of the applicant, the Additional Deputy Commissioner [Revenue], Sonitpur, Tezpur vide a Letter bearing no. SRS-100/2010/395 dated 10.02.2016 had conveyed that for conversion of the subject-plot from annual patta land to periodic patta land, the applicant would be required to deposit an amount of Rs. 2,22,300/- as premium in view of the then prevailing zonal rate and the said amount could be deposited in 3 [three] instalments.

3. It has been projected in this writ petition that the applicant was, at that point of time, not in a position to deposit the premium amount of Rs. 2,22,300/- by way of 3 [three] instalments. The applicant has stated that she had thereafter, approached the respondent no. 2 on 24.01.2024 by submitting an application, with the prayer to allow the applicant to deposit the premium amount of Rs. 2,22,300/- on the premise that the applicant would be able to deposit the said premium amount in 1 [one] instalment. With the grievance that the said application dated 24.01.2024 has not been considered and disposed of by the respondent authorities till date, the petitioner has approached this Court by the present writ petition.

4. In view of the projection made in this writ petition as regards the case of the applicant, Mr. Baruah, learned Junior Government Advocate, Assam appearing for the respondent nos. 2

– 4 has submitted that the application stated to be submitted by the applicant on 24.01.2024 at the office of the respondent no. 2 [Page no. 64], does not go to indicate the said application was duly received at the office of the respondent no. 2. He has, however, fairly submitted that in the event that the applicant submits any fresh application before the respondent no. 2 as regards the prayer to deposit the premium for conversion of the subject-plot from annual patta land to periodic patta land, the writ petition can be disposed of with a direction to consider such application on its own merits by taking into account the extant Rules and Regulations.

5. On perusal of the case papers appended to this writ petition, it is noticed from the Letter bearing no. S.R.S.-100/2010/395 dated 10.02.2016 of the Additional Deputy Commissioner [Revenue], Sonitpur, Tezpur that the applicant was directed to deposit a premium amount of Rs. 2,22,300/- at that point of time for conversion of the subject-plot from annual patta to periodic patta land.

6. It has been projected on behalf of the applicant that the applicant could not deposit the said premium amount of Rs. 2,22,300/- at that point of time, even by way of 3 [three] instalments. It has been projected on behalf of the applicant now that the applicant is presently in a position to deposit the premium amount of Rs. 2,22,300/- at the office of the respondent no. 2. As a doubt has been expressed by the State counsel as regards receipt/acknowledgement of the application dated 24.01.2024, appended to at Page no. 64 of the writ petition, this Court is of the considered view that instead of going into such factual dispute, the writ petition can be disposed of by providing an opportunity to the applicant to submit a fresh application before the respondent no. 2 seeking permission to deposit of the premium amount of Rs. 2,22,300/- for conversion of the subject-plot from annual patta land to periodic patta land within a period of 3 [three] weeks from today. It is accordingly observed. It is further observed that in the event the applicant submits such an application, the respondent no. 2 shall consider the same on its own merits as per the extant Rules and Regulations governing the matter of conversion and thereafter, dispose of the same by a speaking order within a period of 45 days from the date of receipt of the application. It is also observed that such speaking order to be passed, shall be communicated to the applicant

thereafter forthwith. It is further made clear that this Court has not made any observation as regards the merits of the claim of applicant.

7. With the observations made and directions given above, the writ petition is disposed of. No cost.

**JUDGE**

**Comparing Assistant**