

GAHC010052732024



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

Case No. : WP(C)/1475/2024

PADMABATI MAHANTA AND ANR
DAUGHTER OF LATE HALADHAR BHUYAN AND LATE ARUNA BHUYAN,
HOUSE NO.-94, LACHIT NAGAR MAIN ROAD, LACHIT NAGAR,
GUWAHATI, DISTRICT- KAMRUP (METRO), ASSAM, PIN- 781007

2: SMTI DIPALI BORAH
DAUGHTER OF LATE HALADHAR BHUYAN AND LATE ARUNA BHUYAN
FLAT NO.A2
BLOCK-2
GREENVIEW RESIDENCY
GEETANAGAR
MATHGHARIA GUWAHATI- 781020 DISTRICT- KAMRUP (METRO)
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE DEPUTY COMMISSIONER
MARIGAON DISTRICT- MORIGAON
ASSAM PIN- 782105

3:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE
MORIGAON P.O. MORIGAON DISTRICT- MORIGAON PIN- 782105

4:THE CIRCLE OFFICER
MORIGAON REVENUE CIRCLE
P.O.- MORIGAON
DISTRICT- MORIGAON
ASSAM

PIN- 78210

Advocate for the Petitioner : MR H BARUAH, MR P P PHUKAN,MR P BORAH

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, MR G K DEKA (R-5,6 & 7),GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

28.08.2024

Heard Mr. H. Baruah, learned counsel for the petitioners. Also heard Ms. N. Bordoloi, learned Standing Counsel, Revenue Department representing the respondent No. 1 and Mr. A. M. Baruah, learned counsel for the respondent Nos. 5, 6 and 7.

The learned counsel for the petitioner submits that the matter basically pertains to their claim of share over the property, inherited by them from their Late mother Aruna Bhuyan. The private respondent Nos. 5, 6 and 7 are the grand daughters of said Late Aruna Bhuyan from her sons and therefore, he would like to withdraw this writ petition with a liberty to approach appropriate forum for partition and claim of their share inherited by them.

This Court is also of the view that the dispute raised in this petition cannot be subject matter of a writ proceeding rather civil in nature. Accordingly, the writ petition stands closed with a liberty to the parties to approach appropriate and competent Court to seek redressal, permissible under law.

JUDGE

Comparing Assistant