

GAHC010079602024



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

Case No. : WP(C)/2153/2024

MD. HABIBUR RAHMAN AND 3 ORS
SON OF MD. ALI @ MAHAMMAD ALI,
R/O- VILLAGE- NO.1 DOLABARI,
P.O.- KALIA BHOMORA,
P.S.- TEZPUR,
DISTRICT- SONITPUR, ASSAM,
PIN- 784027.

2: MAZIBUR RAHMAN
SON OF MD. ALI @ MAHAMMAD ALI

R/O- VILLAGE- NO.1 DOLABARI

P.O.- KALIA BHOMORA

P.S.- TEZPUR

DISTRICT- SONITPUR
ASSAM

PIN- 784027.

3: MAFIJUL ALI
SON OF MD. ALI @ MAHAMMAD ALI

R/O- VILLAGE- NO.1 DOLABARI

P.O.- KALIA BHOMORA

P.S.- TEZPUR

DISTRICT- SONITPUR
ASSAM

PIN- 784027.

4: NAZRUL ALI @ NURJUL ALI
SON OF MD. ALI @ MAHAMMAD ALI

R/O- VILLAGE- NO.1 DOLABARI

P.O.- KALIA BHOMORA

P.S.- TEZPUR

DISTRICT- SONITPUR
ASSAM

PIN- 784027

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE COMMISSIONER (DEPUTY COMMISSIONER) OF SONITPUR
DISTRICT
AT TEZPUR
P.O.- TEZPUR HEAD OFFICE

DISTRICT- SONITPUR
ASSAM

PIN- 784001.

3:THE CIRCLE OFFICER
TEZPUR REVENUE CIRCLE
TEZPUR
P.O.- TEZPUR
DISTRICT- TEZPUR

ASSAM
PIN- 784001

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 22.04.2024

Heard Mr. M. A. Seikh, learned counsel for the petitioner. Ms. P. R. Mahanta, learned standing counsel of Revenue for the respondent no.1 and Mr. M. Goswami, learned Govt. Advocate for the respondent nos.2, 3 and 4.

2. The petitioner has projected that he is the owner of the land which is referred to in Schedule 'B' and 'C' of this writ petition, which is claimed to be a patta land and it is alleged that in the year 2008, the said land was re-converted into an annual patta land without putting him to notice.

3. Accordingly, for restoration of the status of the land, representation dated 24.08.2022 had been filed by the petitioner before the District Commissioner, Tezpur and the same is pending. Hence, this writ petition has been filed for a direction to the said respondent to dispose of the said representation submitted by the petitioner.

4. In the considered opinion of the Court, orders passed for changing the status of the land would be an appealable order within the meaning of Section 147 of the Assam Land and Revenue Regulation Act, 1886. The re-conversion of land by way of representation is not envisaged under the scheme of Assam Land and Revenue Regulation Act, 1886.

5. Therefore, the Court is inclined to close this writ petition by granting liberty to the petitioner to assail the said order in the manner provided under

the Assam Land and Revenue Regulation Act, 1886.

6. With the said liberty, this writ petition stands disposed of.

JUDGE

Comparing Assistant