

GAHC010082092024



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

Case No. : WP(C)/2203/2024

MD ALAUDDIN AHMED
SON OF ANOWAR HUSSAIN,
R/O- HALANGAPARA,
P.O. AND P.S.- KACHUMARA,
DISTRICT- BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
KAMRUP(M)
GUWAHATI
P.O.- HENGRABARI

DIST.- KAMRUP(M)
ASSAM

PIN- 781036.

3:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE BRANCH)
KAMRUP(M)
GUWAHATI
ASSAM
PIN- 781023.

4:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
KAMRUP METROPOLITAN DISTRICT- KAMRUP (M)

ASSAM
PIN- 781001

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19.06.2024

Heard Mr. A.K. Das, learned counsel appearing on behalf of Mr. M. Khan, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate, Assam for the respondents no. 2 to 4 and Ms. P.R. Mahanta, learned Standing Counsel, Land Revenue and Disaster Management Department for the respondent no.1.

2] The petitioner is before this Court seeking a direction to the respondent authorities, more particularly, the Circle Officer, Guwahati Revenue Circle to grant the approval of mutation within a specific time period which she claims to have purchased through a registered sale deed executed on 12.11.2022. By the last order dated 31.05.2024 the respondents were permitted time to obtain instructions in the matter.

3] Today Ms. S. Baruah, learned Government Advocate, Assam, has placed before the Court the order dated 14.06.2024 issued by the District

Commissioner, Kamrup (M) by which order the Deputy Commissioner, Kamrup (M) has directed the Circle Officer, Guwahati Revenue Circle to do the needful and take necessary steps at the earliest as per Government Circular No.RRG.10/2001/3 dated 16.08.2002 to convert the instant grant into simple Kheraj Miyadi Patta as a whole considering the Ceiling provision under 1956 Act, with intimation to the undersigned. The order dated 14.06.2024 issued by the District Commissioner, Kamrup (M) is quoted herein below:

GOVT. OF ASSAM
OFFICE OF THE DISTRICT COMMISSIONER
KAMRUP METROPOLITAN DISTRICT GUWAHATI, ASSAM
(LAND REVENUE BRANCH)

ORDER

Seen and perused the Grant Mutation Case records bearing no.: GM-9/2022-23 regarding Mutation of F.S Grant land covered by Dag no.: 400, FS 45 Sana Grant No.-1, of village: Sahar Kharguli, Ulubari Mouza, in favour of Md. Alauddin Ahmed along with the report submitted by the Circle Officer, Guwahati Revenue Circle vide letter nos.: GC 05/2018/2145, dated: 07/09/2023 and also the Writ Petition case no: 2203/2024 and subsequent order dated: 31/05/2024 issued by the Hon'ble Gauhati High Court, Guwahati.

Whereas, it has been observed from the report submitted by the Circle Officer, Guwahati Revenue Circle that the applicant had purchased the aforementioned schedule of land from Sri Rajib Verma, S/o Late Beznath Verma through a registered Sale Deed bearing No.: 24775/22, dated: 12/11/2022 and is presently lying vacant.

Whereas, the proposed schedule of land falls under FS Grant Land, the entire case record of proposed mutation of land was forwarded to the Commissioner & Secretary to the Govt. of Assam, Revenue & Disaster Management Department, Dispur, Ghy-06 vide this office letter no.: KRM(M)-272/2022/366, dated.: 23/12/2023 for necessary approval as per norms. But the same is still awaited.

Whereas, during the period of pending approval from the Government, the Hon'ble Gauhati High Court passed an order dated: 31/05/2024 in connection with the WP(C) No.- 2203/2024 (Md. Alauddin Ahmed -vs- The State of Assam & 3 Ors.), directing the District Commissioner, Kamrup Metropolitan District to complete the procedure of Grant Mutation.

Therefore, in compliance to the Hon'ble Gauhati High Court's order, the Mutation of the of F. S Grant land measuring 2.26 are covered by Dag no.: 400, FS 45 Sana Grant No.-1, of village: Sahar Kharguli, Ulubari Mouza, in favour of Md. Alauddin Ahmed, is hereby approved.

The Circle Officer, Guwahati Revenue Circle, is hereby directed to do the needful and take necessary steps at the earliest, as per Government Circular No. RRG. 10/2001/3, dated: 16/08/2002, to convert the instant grant into simple Kheraj Miyadi Patta as a whole considering the Ceiling provision under 1956 Act, with intimation to the undersigned.

Inform all concerned accordingly.”

4] Upon perusal of the order dated 4.06.2024 issued by the District Commissioner, Kamrup (M) and after hearing the learned counsel for the parties, this Court is of the opinion that the writ petition can be disposed of at this stage directing the concerned respondents to comply with the abovementioned order passed by the Deputy Commissioner, Kamrup(M).

5] Accordingly, the writ petition stands disposed of directing the respondents, more particularly, the respondent no.4 to complete the process of mutation in terms of the order dated 14.06.2024 passed by the District Commissioner, Kamrup(M), Guwahati without any further delay.

6] A copy of this order dated 14.06.2024 is kept on the record.

JUDGE

Comparing Assistant