

GAHC010087432024



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

Case No. : I.A.(Civil)/1292/2024

LEKHA BHUYAN AND 2 ORS
DAUGHTER OF LATE MITRADEB BHUYAN, R/O H. NO. 16, RAJGARH
ROAD, CHANDMARI, GUWAHATI-78103, DISTRICT KAMRUP(M), ASSAM

2: SMT RASHMITA SHARMA @ RASMITA BHUYAN
D/O LATE MITRADEB BHUYAN
R/O A.T. ROAD
HAIBORGAON
NAGAON
ASSAM
-782002.

3: SMT PURABI BHUYAN
D/O LATE MITRADEB BHUYAN
R/O EAST AMLAPATTY
SHIBASTHAN ROAD
NAGAON
ASSAM-782003

VERSUS

PADMABATI MAHANTA AND 5 ORS
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)
ASSAM

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

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

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

6:THE CIRCLE OFFICER
MORIGAON REVENUE CIRCLE
P.O.- MORIGAON
DISTRICT- MORIGAON
ASSAM
PIN- 78210

Advocate for the Petitioner : MR G K DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 06.05.2024

Heard Mr. S. Rabha, learned counsel for the applicant; Mr. P.P. Phukan, learned counsel for the opposite party nos. 1 & 2-writ petitioners; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue Department for the opposite party no. 3; and Mr. J. Handique, learned Junior Government Advocate, Assam for the opposite party nos. 4, 5 & 6.

2. The instant interlocutory application has been preferred by the applicants – [1] Smt. Lekha Bhuyan, D/o- Late Mitraddeb Bhuyan, R/o- House no. 16, Rajgarh Road, Chandmari, Guwahati – 781003, District – Kamrup [M], Assam; [2] Smt. Rashmita Sharma @ Rasmita Bhuyan, D/o- Late Mitrabdeb Bhuyan, R/o- A.T. Road, Haiborgaon, Nagaon, Assam, Pin- 782002; & [3] Smt. Purabi Bhuyan, D/o- Late Mitraddeb Bhuyan, R/o- East Amlapatty, Shibasthan Road, Nagaon, Assam, Pin- 782003 seeking their impleadment as party-respondent nos. 5, 6 & 7 in the connected writ petition, W.P.[C] no. 1475/2024. It has been averred that the applicants are grand-daughters of Late Haladhar Bhuyan and Late Aruna Bhuyan through their father Late Mitraddeb Bhuyan, who was the eldest son of Late Haladhar Bhuyan and Late Aruna Bhuyan.

3. The connected writ petition, W.P.[C] no. 1475/2024 has been preferred by the opposite party no. 1 and the opposite party no. 2 as the writ petitioners with the claim that they were the daughters of Late Haladhar Bhuyan and Late Aruna Bhuyan.

4. A number of mutation orders have been assailed in the writ petition, and according to the applicants, the plots of land in respect of which the mutation orders were passed, belong to the entire family and as such, the presence of the applicants is necessary for proper and effective adjudication of the issues involved in the connected writ petition.

5. The prayer for impleadment of the applicants as party-respondents has not been opposed by the learned counsel appearing for the other sides' including the opposite party nos. 1 & 2-writ petitioners.

6. Having regard to the projections made in the aforesaid manner and considering the fact that the prayer to implement is not opposed, the instant interlocutory application, seeking impleadment of the applicants as party-respondent nos. 5, 6 & 7 respectively in the connected writ petition, W.P.[C] no. 1475/2024, is allowed.

7. The learned counsel for the petitioners shall submit an amended cause-title before the

Registry in terms of the Notification no. 79 dated 19.06.2023 within 3 [three] working days from today.

8. On submission of such amended cause-title, the Registry to cause necessary corrections in the cause-title of the writ petition, W.P.[C] no. 1475/2024 as well as in the CIS and list the writ petition accordingly, thereafter.

JUDGE

Comparing Assistant