

GAHC010123342022



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

Case No. : WP(C)/4315/2022

MD. HAFIZUR RAHMAN
SON OF LATE HASEN ALI
R/O VILL- JHAGRAPAR
PART-III,
P.O. JHAGRARPAR
P.S. DHUBRI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006. DIST. KAMRUP (M), ASSAM

2:THE DEPUTY COMMISSIONER

DHUBRI

P.O. AND P.S. DHUBRI
DIST. DHUBRI
ASSAM

3:THE CIRCLE OFFICER

DHUBRI

DHUBRI CIRCLE OFFICER

P.O. AND P.S. DHUBRI
DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR I HASSAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 24.05.2024

Heard Mr.H.Baruah, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate for respondents.

2. This writ petition is filed by the petitioner praying for a direction to correct the name of the writ petitioner in the record of rights in terms of a Judgment and Decree passed by the Court of Munsiff No.3 at Dhubri. It is the submission of the learned counsel for the petitioner that the petitioner along with his brothers are plaintiffs in the suit and the suit is for declaration of the right, title and interest and for correction of records of rights within the confirmation of possession.

3. The suit was decreed on contest declaring that the plaintiffs have the right, title and interest and correction of records of rightsover the suit land and the suit is decreed without cost. The schedule of the land is also specified therein.

4. Pursuant to the Judgment and Decree passed, the petitioner has approached the respondent No.3 for correction of the record of rights. However, the same was not corrected bythe respondents on the pretext that some appeal has been filed by the Government. Upon making necessary enquiries, it is found that no such appeal has been filed by any party and the Judgment and Decree

has in the meantime has attained finality.

5. Pursuant to the issuance of notice the Circle Officer, Dhubri has filed an affidavit, where at paragraph 6 there is an averment that there is no record of the writ petitioner having approached the Circle Officer to correct the land record as per the decree passed in Title Suit No. 225/1989 has the decrees more than 30 years old. The petitioner reiterated his stand in the writ petition by filing reply affidavit. In view of such categorical averments made in the affidavit, this Court is of the view that the claim of the writ petitioner having been decreed by the competent Court of Civil jurisdiction, the authorities are required to examine and the grievances of the writ petitioner and pass necessary orders thereon.

6. Under such circumstances, the petitioner will approach the respondent No.3, namely, the Circle Officer, Dhubri for correction of their names in the record of rights in respect of the scheduled land as mentioned in the Judgment and order dated 27.08.1991 passed in Title Suit No. 225/1989. The respondent No.3 thereupon will proceed to make necessary corrections in the record of rights in terms of the Judgment and Decree passed by the competent Civil Court in Title Suit No. 225/1989 vide Judgment and Order dated 27.08.1991.

7. The petitioner will approach the respondent No.3 within a period of 2 (two) weeks from the date of receipt of the certified copy of this order along with other relevant documents including the copy of the Judgment and Decree dated 27.08.1991 passed in Title Suit No. 225/1989.

8. The respondent No.3, will thereafter take all steps necessary for due corrections of the names of the writ petitioner. The entire exercise be completed within a further period of 60 (sixty) days from the date of receipt of certified

copy of this order.

9. Writ petition is accordingly disposed of in terms of the above.

JUDGE

Comparing Assistant