

GAHC010177022024



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

Case No. : WP(C)/4460/2024

ANOWARUJ JAMAN
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUD ALI SHEIKH VILL-
SOULMARI, P.O.- BARKANDA, P.S. BILASIPARA, DIST- DHUBRI, ASSAM,
PIN- 783348

VERSUS

THE STATE OF ASSAM AND 12 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM
P.O. AND P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301

3:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
P.O. BILASIPARA
P.S. BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348

4:PIARUDDIN AHMED
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA

DIST- DHUBRI
ASSAM
PIN- 783348

5:JIARUDDIN PRODHANI
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

6:MOFIDUR RAHMAN
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

7:SAHIDUR RAHMAN
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

8:SAIYADUR RAHMAN
S/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

9:NURAN BIBI
D/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

10:MEHMUNA BIBI @ MAHMUDA BIBI
D/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

11:MORJINA BIBI
D/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

12:BULI PRODHANI
D/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

13:HASINA BIBI
D/O- LT. MAHABBAT ALI SARKAR @ MOSMUT ALI SHEIKH
VILL- SOULMARI
P.O. BARKANDA
P.S. BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 78334

Advocate for the petitioner(s): Mr. M Hussain

Advocate for the respondent(s): Ms. G Hazarika
For Revenue Department,
Ms. S Sharma

Government Advocate, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

06.09.2024

Heard Mr. M Hussain, the learned counsel appearing on behalf of the petitioner. Ms. G Hazarika, the learned counsel appears on behalf of the respondent No.1 and Ms. S Sharma, the learned counsel appears on behalf of the respondent Nos.2 and 3 respectively.

2. The petitioner herein is aggrieved by the inaction on the part of the Circle Officer, Bilasipara Revenue Circle in not including the names of the petitioner as well as the private respondent Nos.9 to 13 as co-sharers in respect to the various plots of land which is the subject matter of Case No.BPC/MISC/23/2024.

3. It is seen from the materials on record that the Circle Officer, Bilasipara Revenue Circle had duly issued notice in Case No.BPC/MISC/23/2024 and the last of the dates fixed was on 19.06.2024. The learned counsel appearing on behalf of the petitioner submitted that none of the legal heirs of Late Mosmut Ali Sheikh had objected to the inclusion of the names of the petitioner, as well as the respondent Nos.9-13. However, the Circle Officer had not passed such order(s) and being aggrieved, the instant writ petition has been filed.

4. This Court is of the opinion that the petitioner in the instant case has an alternative and efficacious remedy to approach the District Commissioner, Dhubri, in the circumstance, the Circle Officer does not perform his duties as

mandated under the law.

5. Mr. M Hussain, the learned counsel appearing on behalf of the petitioner, accordingly, submits that he would not like press the instant writ petition, rather he would again approach the Circle Officer, Bilasipara Revenue Circle and in the event, no order is passed within a particular time frame, the petitioner would approach the concerned District Commissioner.

6. Taking into account the above, the instant writ petition stands closed on withdrawal.

7. This Court grants the liberty to the petitioner to approach the Circle Officer, Bilasipara Revenue Circle for an expeditious disposal of the Case No.BPC/MISC/23/2024. It is, however, observed that if the petitioner approaches the Circle Officer, Bilasipara Revenue Circle, the said Officer shall duly consider the same and dispose of the said Case No.BPC/MISC/23/2024 within a time frame. It is also observed that in the circumstance, the same is not done, the petitioner would be at liberty to approach the District Commissioner, Dhubri.

JUDGE

Comparing Assistant