

GAHC010180742023



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

Case No. : WP(C)/4933/2023

ON THE DEATH OF ABDUL JABBAR @ JABBAR ALI, HIS LEGAL HEIRS -
JELEKHA KHATUN AND 9 ORS
W/O LATE ABDUL JABBAR, VILL- NO. 2 BANGALBORI, P.O.-DONGABORI,
P.S.-JAGIROAD, DIST- MORIGAON (ASSAM), PIN-782410

2: ABDUL LATIF
AGED ABOUT 52 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD
DIST. MORIGAON
ASSAM
PIN-782410

3: HABIBUR RAHMAN
AGED ABOUT 45 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD
DIST. MORIGAON
ASSAM
PIN-782410

4: SAHAJAHAN ALI
AGED ABOUT 26 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST. MORIGAON
ASSAM

PIN-782410

5: JAMILA KHATUN
AGED ABOUT 55 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM
PIN-782410

6: NURJAHAN BEGUM
AGED ABOUT 40 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM

PIN-782410

7: FATEMA KHATUN
AGED ABOUT 42 YEARS
VILL NO. 2
BANGALBORI

PO. DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM
PIN-782410

8: RAHIMA KHATUN
AGED ABOUT 35 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM

PIN-782410

9: MAHIMA KHATUN
AGED ABOUT 32 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM

PIN-782410

10: PHULBHANU BEGUM
AGED ABOUT 24 YEARS
VILL NO. 2
BANGALBORI

PO DONGABORI
PS JAGIROAD

DIST MORIGAON
ASSAM

PIN-78241

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER
MORIGAON
P.O. AND DIST-MORIGAON
ASSAM

3:THE CIRCLE OFFICER
MAYONG REVENUE CIRCLE
P.S.-MAYONG

DIST-MORIGAON
ASSAM

4:MD MIRAJ ALI
S/O LATE INTAJ ALI
VILL- NO. 2 BANGALBORI
P.S.-DONGABORI
P.S.-JAGIROAD
DIST- MORIGAON (ASSAM)
PIN-782410

5:MD SIRAJ ALI
S/O LATE INTAJ ALI
VILL- NO. 2 BANGALBORI
P.S.-DONGABORI
P.S.-JAGIROAD
DIST- MORIGAON (ASSAM)
PIN-78241

For the Petitioner(s) : Md. B. Islam, Advocate

For the Respondent(s) : Mr. M. H. Choudhury, Senior Advocate
Mr. J. Handique, Govt. Advocate
Ms. N. Bordoloi, SC, Revenue

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.11.2024

Heard Mr. B. Islam, the learned counsel appearing on behalf of the petitioner. Mr. M.H. Choudhury, the learned Senior Counsel appears on behalf of the respondent Nos. 4 and 5, Mr. J. Handique, the learned Government Advocate appears on behalf of the District Administration and Ms. N. Bordoloi, the learned Standing Counsel, appears on behalf of the Revenue Department.

2. The petitioner herein is aggrieved by the inaction on the part of the Respondent Authorities in not demarcating the land of the petitioner in

pursuance to the request so made on 27.06.2023, to the Circle Officer Mayong Revenue Circle. Pursuant to the notice being issued affidavit has been filed by the respondent Nos. 4 and 5. From a perusal of the affidavit so filed by the respondent Nos. 4 and 5, it is seen that the original petitioner had filed a suit being Title Suit No. 27/1997, wherein the land, which is the subject matter of the application seeking demarcation was the subject matter. In the said suit which was pending before the Court of the learned Civil Judge, Jr. Div. No. 1, Morigaon, it is noticed that the original petitioner along with the defendants in the said suit had entered into a compromise. In the said compromise deed which was made a decree of the Court vide an order dated 01.12.1997, the original petitioner who was the plaintiff therein had categorically stated that he has no right in the land described in the schedule to the plaint.

3. Under such circumstances, the question of issuance of a writ in the instant proceedings to act on the request for demarcation does not arise.

4. Consequently, the writ petition stands dismissed.

JUDGE

Comparing Assistant