

GAHC010209282015



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

Case No. : WP(C)/1186/2015

ISMAIL ALI and 2 ORS

2: ISAHAK ALI

3: ISOB ALI
ALL ARE S/O LT. FAZAR ALI
ALL R/O VILL. NO.1
RAMPUR
P.O. DEJOO TEA ESTATE
MOUZA NOWBOICHA
P.S. N. LAKHIMPUR
DIST-LAKHIMPUR
ASSA

VERSUS

THW ASSAM BOARD OF REVENUE and 6 ORS
GUWAHATI-01

2:THE ADDL. DY. COMMISSIONER
NORTH LAKHIMPUR
LAKHIMPUR

3:MST. PHULBANO
W/O MD. AINUDDIN
R/O CHABOTI PADUMONI
MOUZA- NAKARI
N. LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

4:MST. ANUWARA KHATUN

D/O LT. ABDUL MOTLEB

5:MD. ABDUL KHALEQUE

6:MD. ABU BAKAR SIDDIQUE
BOTH S/OLT. ABDUL MOTLEB
ALL R/O VILL. KONDURA POTHAR
P.O. DEJOO TEA ESTATE
MOUZA- NOWBOICHA
P.S. N.LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

7:THE CIRCLE OFFICER
NOWBOICHA
N.LAKHIMPUR
DIST- LAKHIMPUR
ASSA

For the petitioner (s) : Mr. A. Ganguli, Advocate

For the respondent (s) : Mrs. U. Das, Addl. Sr. Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

25.01.2024

The instant writ petition has been filed challenging the order dated 17.11.2014 passed by the learned Assam Board of Revenue in Case No.79RA(L)/2014 whereby the appeal of the petitioners was dismissed on the ground that the learned Additional Deputy Commissioner, Lakhimpur was justified in dismissing the appeal filed by the petitioners on the ground of limitation.

2. This Court has duly heard the learned counsel for the petitioners as well as Mrs. U. Das, the learned Additional Senior Government Advocate.

It has been duly submitted that the petitioners have also filed a suit for declaration of right, title and interest as well as for recovery of possession of the land which is the subject matter of the present proceedings. The said suit is registered and numbered as Title Suit No.33/2023 pending before the learned Court of the Civil Judge, Senior Division, Lakhimpur at North Lakhimpur.

3. This Court has duly given an anxious consideration to the matter and the well settled principle of law that mutation does not confer any title and the right, title and interest in respect to the land can only be adjudicated by a competent Civil Court.

4. Under such circumstances, this Court is not interfering with the order dated 17.11.2014 passed by the learned Assam Board of Revenue as the reasons so assigned are justified. This Court however observes that irrespective of the mutation so granted to the private respondents, the right in respect to the land shall be subject to the outcome of the civil proceedings.

5. With the above, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant