

GAHC010220622014



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

Case No. : WP(C)/76/2014

MD. BOSIR MIYA
S/O LT. BASIR MOHAMMED, VILL. DOBOKA SUTARGAON, W/NO.3,
MOUZA- JAMUNAMUKH, P.O. and P.S. DOBOKA, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 15 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF REVENUE ETC, DISPUR, GHY-6

2:THE ASSAM BOARD OF REVENUE
MEGHDOOT BHABAN ROAD
PANBAZAR
GHY-1
ASSAM

3:THE CIRCLE OFFICER
DOBOKA REVENUE CIRCLE
P.O. and P.S. DOBOKA
DIST- NAGAON
ASSAM
PIN-782440

4:ON THE DEATH OF AKRAM ALI
MUSTT. KAMELA BIBI

5:ABDUYL KARIM

6:JYOTSNA BEGUM

7:ABDUL OAHID

8:ABDUL RAHIM

9:RINA BEGUM

10:ABDUL HATIM

11:HASINA BEGUM

NO.3 TO 10 ARE THE LEGAL HEIRS OF LT. AKRAM ALI
ALL ARE R/O AZAD NAGAR
DOBOKA TOWN
MOUZA- JAMUNAMUKH
P.O. and P.S. DOBOKA
DIST- NAGAON
ASSAM

12:SHAMIM AHMED TALUKDAR

13:SABIR AHMED TALUKDAR

14:REJAUL AHMED TALUKDAR

NO.11 TO 13 ARE THE S/O MD. RAFQUL ISLAM TALUKDAR

15:SAFIUL ISLAM TALUKDAR

S/O MUSTAFA AHMED TALUKDAR

16:JONAKI BEGUM

W/O MD. RAFIQUL ISLAM TALUKDAR
ALL ARE R/O DOBOKA TOWN
MOUZA- JAMUNAMUKH
P.O. and P.S. DOBOKA
DIST- NAGAON
ASSA

Advocate for the Petitioner : MR.A B CHOUDHURY

Advocate for the Respondent : MRS.V L SINGH

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

14.03.2024

Heard Shri A.C. Sarma, learned Senior Counsel assisted by Shri B. Deuri, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department and Ms. M. Barman, learned State Counsel. Shri M. Sharma, learned counsel appears for the private respondent nos. 12 to 16.

A brief narration of the facts projected by the petitioner is given as hereunder.

The petitioner had purchased a plot of land in the year 1980 and has applied for mutation of the said land in the year 2008. Though no objections were raised by the vendor of the petitioner, one Shamim Ahmed Talukdar (respondent no. 12) had raised an objection. In the said objection, it was stated that the petitioner had in the meantime sold the land to the said respondent nos. 12 to 16. Considering the said objection, the application for mutation was rejected.

The aforesaid order of rejection was the subject matter of an appeal preferred by the petitioner before the Assam Board of Revenue.

The learned ABR vide judgment dated 13.12.2012 had allowed the appeal and directed for mutation of the name of the petitioner over the plot of land in question.

The private respondent nos. 12 to 16 thereafter had filed an application praying for review of the judgment dated 13.12.2012 of the learned ABR which was registered as Review Case No. 4 RA (N) (RVW)/2013. The learned ABR after considering the matter had clarified the earlier judgment by directing that

the mutation of the land in the name of the review applicants (respondent nos. 12 to 16) is not liable to be interfered with and it is only required to correctly put the names as the said respondents nos. 12 to 16 had purchased the land from the petitioner and such transfer was not the subject matter of challenge in any proceedings.

Shri M. Sharma, the learned counsel for the respondent nos. 12 to 16 has submitted that pursuant to the aforesaid order, the due correction in the mutation order has been made wherein the name of the petitioner has been inserted after the name of the original vendor, Akram Ali and thereafter the names of the respondent nos. 12 to 16 have been correctly reflected.

Shri Sharma, the learned Senior Counsel however submits that power of review can be exercised only on certain conditions and there being a finding that there was no error apparent on the face of the records, such powers could not have been exercised.

This Court has however noticed that neither the transfer to the respondent nos. 12 to 16 is the subject matter of challenge nor the reflection of their names appear to be an erroneous exercise.

The order passed by the learned Board of Revenue in the Review Petition dated 06.12.2023 appears to be in order inasmuch as only a correct reflection of the names in the mutation order was directed.

In view of the above, this Court is of the considered opinion that no case for interference is made out and accordingly the writ petition stands dismissed.

JUDGE

Comparing Assistant