

GAHC010279282023



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

Case No. : WP(C)/7213/2023

HAZRAT ALI
S/O- LATE MAJIBAR RAHMAN,
R/O- VILL. PAIKAN PT.II,
P.O. AND P.S.- KRISHNAI,
DIST.- GOALPARA, ASSAM,
PIN- 783126.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
REVENUE DEPARTMENT,
GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
GOALPARA
P.O. AND DISTRICT- GOALPARA

ASSAM
PIN- 783101.

3:THE CIRCLE OFFICER
MATIA REVENUE CIRCLE
P.O.- MATIA
DISTRICT- GOALPARA

ASSAM
PIN- 783125

For the petitioner (s) : Mr. M. M. Zaman, Advocate

For the respondent (s) : Ms. S. Baruah, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

10.01.2024

The instant writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the Revenue Authorities in not giving effect to the order passed in Misc. Case No.59/2022 thereby correcting the land records.

2. Record further reveals that pursuant to the said order being passed in Misc. Case No.59/2022, various steps have been taken by the petitioner representing before the Deputy Commissioner, Goalpara requesting for correction of the land records in the name of the petitioner. Being aggrieved by the inaction on the part of the respondent authorities, the instant writ petition has been filed.

3. This Court vide an order dated 15.12.2023 had sought for instructions from the Junior Government Advocate representing the Deputy Commissioner, Goalpara as to why the order of mutation has not been given effect to.

4. Today, Ms. S. Baruah, the learned Junior Government Advocate has placed before this Court an instruction issued by the Circle Officer to the Additional Deputy Commissioner (RKG), Goalpara wherein it has been mentioned that against the mutation order which has been passed, there

is an objection filed by the present pattadar one Sher Ali. It has also been mentioned that there is an allegation to that effect that the legal heir certificate which was issued to the petitioner and on the basis of which the order was passed in Misc. Case No.56/2022, was a forged document.

5. Be that as it may, the question therefore arises as to whether the pattadar can seek review of the order passed in Misc. Case No.59/2022 more so when it is well established that the Revenue Authority effecting mutation does not have the power to review. The only course of remedy available to the pattadar or a person aggrieved would be to file an appeal against the order passed in Misc. Case No.59/2022. It is however pertinent to mention that if an order had been obtained on the basis of a fraudulent document, the said order stands vitiated. Be that as it may, if the order of mutation stands the respondents are required to take appropriate consequential actions for correction of the land record.

6. Taking into account the above and the instruction which is placed before this Court which is kept on record and marked with the letter "X", this Court directs the Circle Officer, Matia Revenue Circle to take appropriate steps for necessary correction of the land record on the basis of the order passed in Misc. Case No.59/2022. The said exercise be completed within a period of two months from the date a certified copy of the instant order is served upon the Circle Officer, Matia Revenue Circle.

7. This Court, however, makes it clear that the above directions are passed taking into consideration that the order passed in Misc. Case No.59/2022 still stands. However, if the said order is interfered with or stayed by the competent authorities, the correction so ordered herein would be subject to such decisions/orders.

8. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant