GAHC010077662021

2026:GAU-AS:8570

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

Case No. : WP(C)/2948/2021

MALA DUTTA
W/O LATE DIPAK KR. DUTTA, .RESIDENT OF VILLAGE RAJAPANI CHANDA (RANI TEA ESTATE) UNDER PO AND PS PALASHBARI, DIST KAMRUP R ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI 6 ASSAM

2:THE DEPUTY COMMISSIONER

KAMRUP AMINGAON

3:THE ADDLL. DEPUTY COMMISSIONER (REVENUE)
KAMRUP
AMINGAON

4:M/S MKB (ASIA) PVT. LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT
1956 HAVING ITS REGISTERED OFFICE AT 51 ZOO NARENGI ROAD
GUWAHATI
PO AND PS GEETANAGAR
KAMRUP M ASSA

For the Petitioner(s) : Mr. S.A. Ahmed, Advocate

For the Respondent(s) : Mr. B.J. Talukdar, Sr. Govt. Advocate
Mr. P.K. Medhi, Govt. Advocate
Ms. G. Hazarika, Standing Counsel
Mr. P. Bharadwaj, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 15.06.2026

Heard Mr. S.A. Ahmed, the learned counsel appearing on behalf of the petitioner. Ms. G. Hazarika, the learned Standing Counsel appears on behalf of the respondent No. 1; Mr. B.J. Talukdar, the learned Senior Government Advocate assisted by Mr. P.K. Medhi, the learned Government Advocate appears on behalf of the respondent Nos. 2 and 3 and Mr. P. Bharadwaj, the learned counsel appears on behalf of the respondent No. 4.

2. The present writ petition has been filed by the petitioner seeking various reliefs. The petitioner admittedly has recourse available under the appropriate provisions of law insofar as the mutation proceedings are concerned. It is also noticed that orders were passed in the mutation proceedings on the basis of judgment and decree passed by the Civil Courts and the petitioner has recourse available as may be permissible under

law.

3. However, it is the opinion of this Court that this Court cannot entertain the dispute which is portrayed in the instant writ petition, as it not only deals with matter which attained finality before the Civil Courts, but also would require entering into the arena of disputed questions of facts.

4. Considering the above, this Court is not inclined to entertain the instant writ petition.

5. The learned counsel for the petitioner during the course of the hearing submitted that the petitioner may be granted liberty to withdraw the instant writ petition without prejudice to the petitioner to avail remedies before the appropriate forum.

6. Taking into account the said submission, the writ petition stands closed on withdrawal.

7. The withdrawal of the instant writ petition shall not prejudice or preclude the petitioner from availing any remedy that may be available in law before any forum other than under Article 226 of the Constitution of India.

8. This Court also takes note of the fact that this Court by various orders passed from 07.09.2021 onwards, kept the instant writ petition pending. The petitioner, therefore, bona fide believed that this Court would entertain the instant writ petition.

However, upon perusal of the facts as this Court is not inclined to entertain the instant writ petition, this Court is of the opinion that the interest of justice would be served if the period during which the instant writ petition remained pending, more particularly from 09.04.2021 till date be excluded while computing the period of limitation.

9. For the sake of clarity, this Court observes that the liberty granted to the petitioner to approach the appropriate forum(s) shall not be construed as a finding of this Court that the petitioner is entitled to approach the appropriate forum. It shall be subject to permissibility under law.

JUDGE

Comparing Assistant