GAHC010166322025

2026:GAU-AS:11857

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

Case No. : WP(C)/4513/2025

ABDUL KADIR
S/O LATE AHMED ALI, VILL- KOCH GAON, MOUZA- SAIDORIA, P.S.- RUPAHIHAT, DIST- NAGAON (ASSAM), PIN-782120

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM, PIN-781006

2:THE ADDL. DISTRICT COMMISSIONER
NAGAON
DIST- NAGAON
ASSAM
PIN-782001

3:FAZILA KHATUN
D/O LATE ABDUL LATIF
R/O VILL- KOCH GAON
MOUZA- SAIDORIA
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM

4:MOZIDA BEGUM
D/O LATE ABDUL LATIF
R/O VILL- KOCH GAON
MOUZA- SAIDORIA
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM

5:SADEK ALI
S/OLATE ABDUL LATIF
R/O VILL- KOCH GAON OF BIHPURIA
MOUZA- SAIDORIA
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM

6:SORIFUL ALOM
S/O LATE KASEEM ALI
R/O VILL- KOCH GAON
MOUZA- SAIDORIA
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM

7:MEHDI ALOM
S/O LATE KASEEM ALI
R/O VILL- KOCH GAON
MOUZA- SAIDORIA
P.S.- RUPAHIHAT
DIST- NAGAON
ASSA

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

For the Respondent(s) : Mr. S. Deka, Avocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 19.08.2026

Heard Mr. A. Sharma, the learned counsel appearing on behalf of the petitioner and Mr. S. Deka, the learned counsel appearing on behalf of the respondent No. 3.

2. The petitioner herein is aggrieved by the judgment dated 08.07.2025 passed in Case No. 37RA(N)/2024 whereby the

appeal filed by the respondent No. 3 herein was allowed thereby setting aside the mutation granted in favour of the petitioner vide mutation order dated 06.05.1998. The learned Assam Board of Revenue vide the impugned judgment further set aside the order dated 11.09.2023 passed by the learned ADC, Nagaon in Misc. Case No. 122/2023-24 and directed that the Record of Rights be corrected to its status prior to 06.05.1998.

3. During the course of the hearing, the attention of this Court has been drawn to the fact that the petitioner has already filed a suit being Title Suit No. 59/2026, which is pending before the learned Court of the Civil Judge (Junior Division) No. 1, Nagaon.

4. It is relevant to take note of that it is well settled that mutation neither creates nor extinguishes any title. Mutation is carried out only for the purpose of collection of revenue.

5. This Court has also perused the impugned judgment passed by the learned Assam Board of Revenue and from the said judgment, it appears that there are inter se claims between the petitioner and the respondent No. 3 as regards their right, title and interest in respect to the land in question. Such claims can only be adjudicated by a Competent Court of civil Jurisdiction.

6. Taking into account that the suit had already been filed by the petitioner, this Court observes that the impugned judgment

shall be subject to the decision in the said suit.

7. With the above, the writ petition stands closed.

JUDGE

Comparing Assistant