GAHC010184672026

2026:GAU-AS:12729

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

Case No. : MC/60/2026

MD RAFIQUDDIN AND ORS
S/O. LT. DEVANATH ULLAH, VILL. PACHIM DHANI RAM PATHAR, MOUZA-HOJAI, P.S. HOJAI, DIST. NAGAON, ASSAM, PIN-782435.

2: MUSTT. SARUTUN NESSA
S/O. LT. HABIB ALI

3: MD. AFTABUDDIN ALI

S/O. LT. AYUB ALI

4: MD. AKADDAS ALI

S/O. LT. ARAB ALI

5: MAINUDDIN @ MAJIBAR RAHMAN
S/O. MD. MAJUR ALI

6: ON THE DEATH OF KUTUB ALI @ FAZIR ALI
HIS LEGAL HEIRS

7: MD. SAMSUL HOQUE
S/O. ABDUL KADIR

8: SALIM HUSSIN NOTICE SENT AFTABUDDIN
S/O. LT. TANJID ALI

9: MUBARAK ALI
(NOTICE TO KUTUB ALI)
S/O. LT
HAJI SHAKIR ALI CHOUDHURY

10: JALALUDDIN
S/O. LT. SARAFUTULLA NOTICE TO SARAFUTULLAH ALL ARE OF VILL.

PACHIM DHANI RAM PATHAR
MOUZA-HOJAI
P.S. HOJAI
DIST. NAGAON
ASSAM.

11: PIYARA BEGUM
W/O LATE KUTUB ALI @ FAZIR ALI

12: KASIM ALI
S/O LATE KUTUB ALI @ FAZIR ALI

13: MD. NIYAZ UDDIN
S/O LATE KUTUB ALI @ FAZIR ALI

14: MD. SABIR AHMED
S/O LATE KUTUB ALI @ FAZIR AL

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DY. COMMISSIONER

HOJAI.

3:THE ADDL. DEPUTY COMMISSIONER

HOJAI CUM S.D.O. C.

4:THE CIRCLE OFFICER

HOJAI REVENUE CIRCLE
HOJAI

Advocate for the Petitioner : MR ARJU IKBAL, MR A A DEWAN

Advocate for the Respondent : GA, ASSAM, SC. REVENUE,GA, ASSAM

Linked Case : WP(C)/6616/2016

MD. RAFIQUDDIN and 9 ORS.
S/O. LT. DEVANATH ULLAH

2: MUSTT. SARUTUN NESSA
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PACHIM DHANI RAM PATHAR
MOUZA-HOJAI
P.S. HOJAI
DIST. NAGAON
ASSAM.
VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY COMM. and SECY. TO THE GOVT. OF ASSAM
REVENUE DEPTT.
DISPUR

GHY.-06.

2:THE DY. COMMISSIONER

HOJAI.

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HOJAI.

Advocate for : MRS.S Y BEGUM
Advocate for : SC
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

02.09.2026

Heard Mr. A A Dewan, learned counsel for the applicant. Also heard Mr. Hazarikia, learned counsel for respondent Nos. 2-4.

The learned counsel for the applicant has submitted that the petitioner could not cause appearance on behalf of the petitioner on 25.06.2026 and prior dates, since his name had not been reflected in the cause list and he was unaware of the listing of the case.

The learned counsel for the petitioner has further submitted that on an earlier occasion, when the writ petition had been dismissed for non-prosecution, a misc case had been filed by the present set of counsels showing cause that it was because of the demise of the earlier counsel engaged by the petitioner that there was no appearance and therefore, this Court on the earlier occasion had restored the writ petition. He has submitted that presently the names of the counsels have not been correctly reflected in the cause list and therefore, the matter had come to the stage of dismissal for non-prosecution, which is reflected in the order dated 15.07.2026.

I have heard the submissions made; I have also considered the records of the writ petition and the earlier misc case. It appears that the Vakalatnama had been filed in Misc. Case No. 30/2026, and upon hearing the learned counsel for

the petitioner, the misc case was allowed, restoring the writ petition. Since no vakalatnama had been filed in the writ petition after the restoration of the same through the orders passed in Misc Case No. 30/2026, the cause list did not reflect the name of the present set of counsels.

Having regard to the cause shown for the non-appearance on behalf of the petitioner, I am of the considered opinion that the application for restoration may be considered in the positive. The learned counsel has objected to such restoration on the ground that the petitioner was under an obligation to have followed the progress of this case, which was not done. However, for the reasons already stated, I am of the considered view that the writ petition deserves restoration for adjudication on merits.

Accordingly, WP(C) No. 6616/2026 is restored to its original number.

Misc Case is accordingly disposed of.

JUDGE

Comparing Assistant