GAHC010221182026

2026:GAU-AS:15300

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

Case No. : WP(C)/5475/2026

RADHE SHAYAM CHOUHAN
S/O LATE INDRAJIT CHOUHAN. R/O- VILLAGE PUB DHANIRAM PATHAR, P.O. HOJAI, P.S- HOJAI, DISTRICT- HOJAI, ASSAM, PIN- 782435.

2: PRABHU CHOUHAN
S/O LATE INDRAJIT CHOUHAN. R/O- VILLAGE PUB DHANIRAM PATHAR
P.O. HOJAI
P.S- HOJAI
DISTRICT- HOJAI ASSAM
PIN- 782435

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF REVENUE, RUPNAGAR, KAMRUP (M), ASSAM, PIN-781032.

2:THE DISTRICT COMMISSIONER
HOJAI
SRIMANTA SANKRDEV NAGAR
ASSAM
PIN-782442.

3:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
HOJAI
SRIMANTA SANKARDEV NAGAR
ASSAM
PIN- 782442.

4:THE CIRCLE OFFICER
HOJAI REVENUE CIRCLE
HOJAI
ASSAM

PIN- 782442.

5:SHRI KAMAKHYA PRASAD TEWARI
S/O- LATE GUROKH NATH TEWARI R/O- HOJAI TOWN
P.S- HOJAI
DISTRICT-HOJAI
PIN- 782435.

6:SHRI PRABHAT KUMAR TEWARI
S/O- LATE GUROKH NATH TEWARI R/O- HOJAI TOWN
P.S- HOJAI
DISTRICT-HOJAI
PIN- 782435

Advocate for the petitioner(s): Mr. RP Sarmah, Senior Advocate
Mr. D Doley

Advocate for the respondent(s): Mr. J Handique Govt. Advocate
Ms. PR Mahanta Standing Counsel
Revenue Department

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

09.10.2026

Heard Mr. RP Sarmah, the learned Senior Counsel assisted by Mr. D Doley, the learned counsel appearing on behalf of the Petitioners. Also heard Ms. PR Mahanta, the learned counsel, who appears on behalf of Respondent No.1 and Mr. J Handique, the learned Govt. Advocate, Assam who appears on behalf of the respondent Nos.2, 3 and 4.

2. The present writ petition has been filed assailing the order dated 03.06.2026, wherein it is mentioned that upon field verification being carried out, it was found that the Petitioners have no possession of P.P. No. 96 of Dag No.195. However, the petitioners have possession over Dag No. 197, which is a residential class of land for 1 Bigha, 1 Katha, and 0 Lessas, though, the Petitioners are neither the recorded pattadars, nor the recorded tenants in respect to P.P. No.96 of Dag No.197.

3. The learned Senior Counsel appearing on behalf of the Petitioners have submitted that the factual aspect so decided in the report of the Circle Officer, Hojai Revenue Circle dated 03.06.2026 is incorrect.

4. It is the opinion of this Court that these factual aspects can only be decided in a forum wherein evidence can be led. In addition to that, it is also seen that against an order passed by the Circle Officer disposing of the application submitted by the Petitioners, an appeal lies before the Deputy Commissioner under Section 147 of the ***Assam Land and Revenue Regulation, 1886***.

5. Considering the above, this Court, therefore, is not inclined to entertain the instant writ petition, for which the writ petition stands dismissed.

6. Liberty, however, is given to the Petitioners to approach the Deputy Commissioner, Hojai, if so advised, challenging the order

dated 03.06.2026 passed by the Circle Officer, Hojai Revenue Circle.

7. It is further observed that if the said appeal is preferred within a period of 15(fifteen) days from today, the Deputy Commissioner, Hojai, shall entertain the same without insisting on the question of limitation.

JUDGE

Comparing Assistant