GAHC010255172026

2026:GAU-AS:17367

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

Case No. : WP(C)/6334/2026

MALEKADDUS HAQUE
S/O- FAJAL HAQUE, RESIDENT OF- VILLAGE BHERAGAON, P.O. KHARADHARA, P.S. SARTHEBARI / BHELLA, DISTRICT BARPETA, ASSAM, PIN-781309.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI 781006.

2:THE DISTRICT COMMISSIONER DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT
PANBAZAR
GUWAHATI
ASSAM 781001.

3:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
KAMRUP METROPOLITAN DISTRICT
GUWAHATI
ASSAM - 781001.

4:THE SUB-REGISTRAR
SADAR REGISTRATION OFFICE
KAMRUP METROPOLITAN DISTRICT
PANBAZAR
GUWAHATI
ASSAM 78100

Advocate for the Petitioner : MR. A R BHUYAN, MR. A SARIF,MR N Z CHOUDHURY,MR S

ABDULLAH,MS. R YASMIN

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

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

23.11.2026

1. Heard Mr. A. R. Bhuyan, learned Senior Counsel for the petitioner. Also heard Ms. P. R. Mahanta, learned counsel for the respondent No. 1 and Mr. H. K. Hazarika, learned Junior Government Advocate for the respondent Nos. 2, 3 and 4.

2. The grievance of the petitioner is that his application dated 12.01.2026, seeking permission for transfer of land measuring 1 Katha 10 Lechas covered by Dag No. 2028 of KP Patta No. 1049 of Revenue Village Paschim Boragaon, under Guwahati Revenue Circle, District Kamrup (Metro), Assam, has not yet been taken to its logical conclusion.

3. It is the contention of the petitioner that though the Circle Officer concerned has favorably recommended the case of the petitioner, no decision has been taken by the competent authority within the period prescribed under Section 21A of the Registration Act, 1908, as amended in its application to the State of Assam.

4. The learned counsel for the petitioner argues that there is a prescribed period under the *Assam Right to Public Services Act, 2012,* within which that the designated public servant is required to take an

appropriate decision in this regard. However, ignoring such a statutory mandate, the concerned officer is sitting over the matter, and having no alternative remedy, the petitioner has approached this Court.

5. Mr. Hazarika, learned State counsel, however, submits that there may be certain difficulties in the transfer of the land in question in view of the provisions of Section 21A of the Registration Act, 1908, as amended by the Registration (Assam Amendment) Act, 2009.

It is also contended by the learned counsel for the respondent that, in the case of an inter-religion transfer of land, a further NOC is required, and, for want of such procedure, the required NOC has not been issued.

6. Countering such arguments, the learned counsel for the petitioner submits that even in those circumstances, the NOC is to be considered and a decision thereon is to be taken for grant or non-grant within a specified period of time, and the same has also not been adhered to in the present case.

7. I have given anxious consideration to the arguments advanced by the parties and also perused the materials available on record.

8. The Registration Act, 1908, was amended by the Registration (Assam Amendment) Act, 2009, with the insertion of Section 21A.

Section 21A prescribes that notwithstanding anything contained in any other provision of the Registration Act, no non-testamentary instrument relating to immovable property, except for house, flat, residential apartment, commercial building, or any construction or structure erected

on a plot of land, shall be accepted for registration unless the Deputy Commissioner of the concerned district issues a NOC containing the description of such immovable property to be transferred, and also such other NOC which are required to be issued by Deputy Commissioner or any other authority under any law for the time being in force or under any executive instruction, order, etc., issued by the State Government from time to time.

9. The said provision further mandates that such No Objection Certificate is to be issued within a period of 30 days from the date of receipt of the application, and in case the No Objection Certificate is not issued within the stipulated period of 30 days, a speaking order with reasons thereof shall be issued to the applicant within the said stipulated period.

10. Subsequently, the Revenue and Disaster Management Department, Government of Assam, has framed a Standard Operating Procedure (SOP) dated 09.09.2025, read with the subsequent notification dated 08.07.2026. The said notification further prescribes the procedure for the application and grant of such NOC, including inter-religion transfer, and mandates certain clarifications, i.e., a report from the Special Branch, the Nodal Officer, inter-religion land sale permission, etc.

11. Be that as it may, when Section 21A itself prescribes a specific period, the respondent cannot sit over this matter beyond the prescribed period of 30 days.

It is significant to record herein that the *Assam Right to Public Service*

Act, 2012 even prescribes a fine on each day's delay beyond the period prescribed for delivering such public service, inasmuch as it is an admitted position that the grant of NOC for non-testamentary transfer also falls within the ambit of public service.

12. In view of the aforesaid, more particularly, in the background fact that the respondent authorities have not brought the processing of the application of the petitioner dated 12.01.2026, to a logical conclusion despite the elapse of more than a year, this writ petition is disposed of, directing the jurisdictional District Commissioner, Kamrup (Metro), to bring the entire process to a finality in strict compliance with the statutory prescription under Section 21A of the Registration Act, as amended, and by adhering to the procedure outlined in the notification dated 09.09.2025, read with the notification dated 08.07.2026, within a period of 30 days from the date of submission of a certified copy of this order at his office by the petitioner.

13. The petitioner shall be at liberty to claim the fine as prescribed under the *Assam Right to Public Services Act, 2012.*

14. This disposes of the writ petition. No order as to costs.

JUDGE

Comparing Assistant