

GAHC010155892020



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

**Case No. : WP(C)/4578/2020**

SARAFAT ALI BHUYAN AND 3 ORS  
S/O LT HAJI AYUB ALI BHUYAN, R/O WARD NO. 10, DABAKA TOWN, PS  
DABAKA DIST. HOJAI, ASSAM, PIN 782440    2: BIREN KUMAR  
KHAKHOLIA

Age:

Occupation :

3: NAZMA BEGUM @ MUSA NAZMA BEGUM

Age:

Occupation :

4: OZIFA YEASMIN LASKAR @ AZIFA YASMIN LASKAR

Age:

Occupation

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, REVENUE AND DISASTER, DISPUR, 06    2: THE DEPUTY  
COMMISSIONER

Age: 0

Occupation :

3: ADDITIONAL DISTRICT MAGISTRATE

Age: 0

Occupation :

4: THE CIRCLE OFFICER

Age: 0

Occupation :

5:THE OFFICER IN CHARGE

Age: 0

Occupation :

6:PRASANTA BARUAH

ACS

Age: 0

Occupation :

7:MONESWAR BORA

Age: 0

Occupation

**Advocate for the Petitioner** : MR H R A CHOUDHURY

**Advocate for the Respondent** : GA, ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 29-10-2020**

Heard Mr. HRA Choudhury, learned senior counsel appearing for the petitioners. Also heard Mr. T.C. Chutia, learned counsel appearing for respondent Nos. 2,3,4 and 5 and Mr. J. Handique, learned counsel appearing for the respondent No. 1.

The petitioners purchased land on the basis of execution of registered sale deed. After that they had their names mutated in the records of rights. Suddenly afterwards the respondent No. 7 filed an application before the Circle Officer alleging that the mutation of the names of the petitioners was illegal.

On the basis of the said complaint the Circle Officer without hearing the petitioners cancelled their mutation.

Thereafter the respondent No. 6, Additional District Magistrate, Hojai passed an order of

attachment of the aforesaid land after applying the provisions of law under Section 145 and 146 of the Cr.P.C.

I have given my anxious consideration to the submissions made by learned counsels of the parties. If aggrieved by an order under Section 145 and 146 Cr.P.C. the petitioners are entitled to file revision petition before the Court of Sessions. Therefore, there is no necessity to exercise the power under Article 226 of the Constitution of India.

So far as cancellation of mutation of the petitioner without hearing them, I have decided to interfere into the matter. Accordingly, the impugned order dated 19.10.2020 passed in Misc. Case No. HJRK(MA) 80/2020 by the Additional District Magistrate, Hojai, Sankar Dev Nagar cancelling the mutation of the names of the present petitioners is set aside. The Additional District Magistrate , Hojai, Sankar Dev Nagar is directed to hear the petitioners along with the respondent No. 6 and thereafter shall pass a fresh order upon the prayer made by the respondent No. 7.

The present writ petition is disposed with the aforesaid observations.

**JUDGE**

**Comparing Assistant**