GAHC010014192023

2026:GAU-AS:15787

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

Case No. : WP(C)/744/2023

KALINATH SARMA AND 6 ORS
SON OF LATE ADYA NATH SARMA,
RESIDENT OF VILLAGE NO. 2, GOURIPUR, WARD NO. 2,
DISTRICT- DHUBRI, ASSAM,
PIN- 783331.

2: SMTI SUMAN SARMA
DAUGHTER OF MRINAL SARMA

RESIDENT OF VILLAGE- GAURIPUR
WARD NO. 2

P.O.- GAURIPUR
DISTRICT- DHUBRI

ASSAM
PIN- 783331.

3: HEMANTA KUMAR SARMA
SON OF LATE AMBIKA CHARAN SARMA

RESIDENT OF VILLAGE- NORTH BALI

P.O.- SIALMARI
P.S.- TIHU

DISTRICT- NALBARI
ASSAM

PIN 781371.

4: SMTI. ANJU ROY BAISHYA
DAUGHTER OF SRI MADAN ROY

RESIDENT OF VILLAGE- MILANPUR
TEPECHIYA

P.O. AND P.S.- BOKO

DISTRICT- KAMRUP
ASSAM.

5: MUKUL CHANDRA GOSWAMI
SON OF SRI BIPIN CHANDRA GOSWAMI

RESIDENT OF VILLAGE AND P.O.- BALISATRA
P.S.- KAYAN

DISTRICT- KAMRUP
ASSAM.

6: SMTI PAPARI GOSWAMI
DAUGHTER OF LATE UPENDRA GOSWAMI

RESIDENT OF HOUSE NO. 18

HARI MANDIR PATH
NEW DOWN TOWN HOSPITAL

P.O.- ASSAM SACHIVALAYA (DISPUR)

DISTRICT- KAMRUP(METRO)
ASSAM

PIN- 781006.

7: JAYANTA KUMAR BHAGAWATI
SON OF UTTAM BHAGAWATI

RESIDENT OF NALBARI COLLEGE

HOSTEL ROAD

P.S. AND DISTRICT- NALBARI
ASSAM

PIN- 781335

VERSUS

NORTH EASTERN DEVELOPMENT FINANCE CORPORATION LTD (NEDFI)
AND 10 ORS

BASUNDHARA ENCLAVE,
B.K. KAKATI ROAD,
ULUBARI, GUWAHATI- 781007.

2:MITRA ENTERTAINMENTS PRIVATE LIMITED
REGISTERED OFFICE-
ARNAV COURT
FLAT NO. B/3

A.K. AZAD ROAD
REHABARI

KAMRUP(METRO)
ASSAM- 781008.

3:SANJAY MITRA
SON OF LATE SUDHIR MITRA

R/O- ARNAV COURT
FLAT NO. B/3

A.K. AZAD ROAD
REHABARI

KAMRUP(METRO)
ASSAM- 781008.
ALTERNATIVE ADDRESS-
FLAT NO. 5A
ADITYA APARTMENT

MANIK NAGAR
BYE LANE-2

R.G. BARUAH ROAD
GUWAHATI- 781006.

4:MRS. SHARMILA MITRA
R/O- ARNAV COURT
FLAT NO. B/3

A.K. AZAD ROAD
REHABARI

KAMRUP(METRO)
ASSAM- 781008.

5:MALAY KUMAR SARKAR
S/O- LATE BIJOY SARKAR

R/O- 38/1A BOSE PARA LANE

BAGHBAZAR
KOLKATA-3

WEST BENGAL.

6:M/S DEE 7 DEE COMMERCIAL (P) LTD.

REPRESENTED BY ITS DIRECTOR MR. UTPAL PATHAK

REGISTERED OFFICE-
DOWN HILL CASTLE
DISPUR
KACHARIBASTI ROAD

CHRISTIAN BASTI
GUWAHATI- 781005
ASSAM.

7:M/S INDUSTRIAL DEVELOPMENT BANK LTD.

HAVING ITS REGISTERED OFFICE AT IDBI TOWER
CUFFE PARADE

MUMBAI- 400005

REPRESENTED BY ITS BRANCH HEAD

IDBI AT SATYAM NIWAS
PANBAZAR

GUWAHATI
PIN- 781001.

8:THE DEPUTY COMMISSIONER
KAMRUP(METRO)
GUWAHATI
ASSAM.

9:THE REVENUE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
GUWAHATI
KAMRUP(METRO)
ASSAM.

10:THE POLICE COMMISSIONER

KAMRUP(METRO)
GUWAHATI
ASSAM.

11:THE OFFICER INCHARGE
JALUKBARI POLICE STATION
GUWAHATI
KAMRUP(METRO)
ASSAM

Advocate for the Petitioner : MR. R SARMA, MRS. G M D BAISHYA,MR. P M KALITA,MR R PATAR

Advocate for the Respondent : SC, NEDFI, MR K KASHYAB(R1),MS R HALOI(R1),MR. S DUTTA(R1),MISS T DAS (R-6),MR. I GOGOI (R-6),MR. A K RAY (R-6),GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

15.10.2026

1. Heard Mr. R. Sarma, learned counsel for the petitioners. Also heard Mr. S. Dutta, learned counsel for the respondent No. 1; Mr. N. Das, learned counsel for the respondent Nos. 8, 9, 10 and 11, and Mr. I. Gogoi, learned counsel for the respondent No. 6.

2. The case of the petitioners is that they had purchased a plot of land by a registered sale deed located at Paschim Jalukbari, district- Kamrup (M).

3. According to the petitioners, the North Eastern Development Finance Corporation Ltd. (NEDFi), had instituted a proceeding before the Debt Recovery Tribunal against some entity for recovery of a particular amount and in the proceeding a certificate was issued. It is the further contention of the petitioners that in execution of the certificate, an order was passed for taking over the property of the petitioners, which according to the petitioners are

not at all connected with the proceeding before the DRT.

4. Such fact is not disputed, however, Mr. S. Dutta, learned counsel for the NEDFi submits that while they proceeded to take over the possession of the mortgage property of the loanee, the Circle Officer and the Lot Mondal wrongly identified this land and therefore, there is no fault on the part of the bank.

5. Another important aspect of the matter which is submitted by Mr. S. Dutta, learned counsel for the respondent/NEDFI that the certificate of the DRT has already been satisfied by way of an auction sale of the mortgage property therein and possession has also been handed over, sale certificate issued to the auction purchaser.

6. In the meantime, this Court taking note of the aforesaid dispute, called for the report from the Circle Officer, which is produced before this Court today by the learned counsel for the petitioners and not disputed by the respondents.

7. The report goes to show that the demarcation in respect of the disputed land covered by Dag No. 515, 516, 517 (Old)/ 1085, 1086, 1087, 1089 (New) of Special Myadi Patta No. 36 (Old)/196, 195 (New) of village Pachim Jalukbari under Jalukbari Mouza was carried out in assistance with the Assam Survey Department. After measurement, as per report received from the Joint Director of Assam Survey Department, one Kalinath Sharma, Smti. Suman Sharma, Sri Hemant Kumar Sharma, Smti. Anju Roy Baishya, Sri Mukul Chandra Goswami, Smti. Papori Goswami, Smti. Jayanta Kumar Bhagwati, is seen to be in possession in the land in question and it was also reported that no sign board in the name of the NEDFI, was found during the field verification.

8. In view of the aforesaid, nothing survives to be adjudicated in the present writ petition.

9. Accordingly, this writ petition stands closed.

10. However, it is made clear that in the event, any fresh cause of action is arises, the petitioners shall be at liberty to approach this Court.

11. The report of the Circle Officer, Guwahati Revenue Circle dated 07.12.2026 is kept on record.

JUDGE

Comparing Assistant