GAHC010245602022

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

Case No. : WA/53/2023

KABINDRA PRASAD SARMA AND ANR
S/O LATE SANKAR PRASAD SARMA
BORDOLOI, KAMAKHYA DEVALAYA RESIDENT OF KAMAKHYA DHAM
GUWAHATI, 781010 ASSAM

2: THE DEITY OF GODDESS SRI SRI KAMAKHYA
REPRESENTED BY THE BOARD OF TRUSTEES/BARDEURI SAMAJ
NAMELY PHANINDRA SARMA
SON OF LATE SITARAM SARMA
KAMAKHYA DEVALAYA KAMAKHYA HILL
GUWAHATI 78101

VERSUS

THE STATE OF ASSAM AND 67 ORS.
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF REVENUE, DISPUR, GUWAHATI 781006

2:THE DEPUTY COMMISSIONER
KAMRUP
GUWAHATI

3:THE SETTLEMENT OFFICER
KAMRUP.

4:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE
KAMRUP
GUWAHATI.

5:SHRI RADHIKA KALITA
SON OF LATE AMBIRAM KALITA

6:SHRI JITEN DAS
SON OF LATE GOBINDA DAS

7:SRI BASU DEV GAYAN
SON OF LATE DABIN GAYAN

8:SHRI SUNESWAR DAS
SON OF BHOLARAM DAS

9:SHRI SAMIR SARMA
SON OF SHRI AMRIT SHARMA

10:SHRI JAGADISH SARMA
SON OF SHRI KHARGESWAR SARMA

11:SHRI MUHIT SARMA
SON OF SHRI PARAMANANDA SARMA

12:SRI SAILESWAR SARMA
SON OF LATE SAKRESWAR SARMA

13:SRI RATUL PRASAD SARMA
SON OF LATE HIRANYA PRASAD SARMA

14:SRI NALIN PRASAD SARMA
SON OF SRI KAMALA PRASAD SARMA

15:SHRI KAJAL SARMA
SON OF SHRI SANKAR SARMA

16:GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
BHANGAGARH
GUWAHATI

17:COMMISSIONER AND SECRETARY
HOUSING AND URBAN AFFAIRS DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI-781005.

18:SRI LALIT MOHAN DAS
VILLAGE KAMAKHYA GAON
MAUJA JALUKBARI
POST OFFICE GUWAHATI-12
DISTRICT KAMRUP

19:SHRI JOGESWAR SAIKIA

S/O SHRI MALBHOG SAIKIA
ADDRESS KALIPUR
GUWAHATI
P.S. BHARALUMUKH UNDER MAUZA JALUKBARI DISTRICT KAMRUP
ASSAM

20:. SRI MAHANTA SWAMI RASH BEHARI DAS KATHIA BABA
SON OF SHRI MAHANTA SWAMI DHANANJOY DAS KATHIA BABA
GURUKUL ROAD
POST OFFICE VRINDAVAN
DISTRICT MATHURA
UTTAR PRADESH
REPRESENTED BY HIS CONSTITUTED ATTORNEY SRI NISHITENDU DHAR
ADVOCATE SON OF LATE NAGENDRA KUMAR CHOUDHURY
A.K.AZAD ROAD
REHABARI
P.PO.GUWAHATI-08
DISTRICT KAMRUP
ASSAM

21:SHRI NANDI NATH SARMA
ASSAM

22:SHRI PURNA CHANDRA SARMA
S/O SHRI PRABHAT CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

23:SRI SUBHAS SARMA
S/O SHRI PRABHAT CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

24:SRI MRINAL SARMA
S/O SHRI ARUN CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

25:SRI KALYAN SARMA
S/O SHRI ARUN CH.SARMA

RES. 21 TO 25 ARE RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

26:SRI PALIT KR BORA
S/O LATE PADMANATH BORA R/O DAHABARACHUK
JORHAT-01

PRESENTLY RESIDING AT ARUNADAY APARTMENT BLOCK NO.1
FLAT NO 302

27:ASHEERBAD CONSTRUCTION COMPANY PVT LTD

INCORPORATION NO 03-04583
REPRESENTED BY ITS DIRECTOR SMTI RATNA SARMAH

28:SRI RABINDRA NATH SARMAH
S/O LATE PITAMBAR SARMAH R/O MALIGAON CHARIALI
P/S JALUKBARI GUWAHATI-11

29:SRI NILAMBAR SARMAH
RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

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RESIDENTS OF A.T. ROAD
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GUWAHATI KAMRUP METRO

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GUWAHATI KAMRUP METRO

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RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

33:WEST GUWAHATI COLLEGE OF EDUCATION
PANDUNATH GUWAHATI
KAMRUP
ASSAM REPRESENTED BY PRINCIPAL AND SECRETARY SMT GITANJALI CHOUDHURY

34:SMT GITANJALI CHOUDHURY
WIFE OF SRI BRAJENDRA CHOUDHURY
RESIDENT OF KAHILIPARA
SURABHI PATH
JANAKPUR
GUWAHATI 5

35:THE DEPUTY REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

36:THE SENIOR SUB REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

37:THE SUB REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

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39:THE DEPUTY COMMISSIONER
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GUWAHATI-781001

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GUWAHATI-781001

41:DR. SUBHASH KHANNA
S/O SRI KRISHANLAL KHANNA MANAGING DIRECTOR OF SWAGAT HOSPITAL P LTD. BHARALUMUKH
GUWAHATI-09

42:SHRI BRAJEN KALITA
S/O LATE NAREN KALITA R/O KALIPUR
GUWAHATI
DIST KAMRUP ASSAM

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FORMERLY SUBHAM PLANNERS PVT. LTD
REGISTERED OFFICE
AT SUBHAM VELOCITY
5TH FLOOR
HARI RAM BORA PATH
G.S. ROAD
OPP- WALFORD
GUWAHATI-5
REPRESENTED BY ITS DIRECTOR
SRI ROHIT LOHIA
R/O SRIKUNI HOUSE
HOUSE NO- 11

MAHADEVPUR
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GUWAHATI-8
DIST- KAMRUP (M)
ASSAM.

44:SRI SUPARAS MAL BAID

S/O LATE KANKHYA LAL BAID
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S/O DILIP KUMAR SENGUPTA.

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W/O SRI ARABINDA SENGUPTA.

47:SMT. KRISHNA BISWAS
S/O LATE PARTHA PRATIM BISWAS

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49:SMT. SUNITA JHABAK
W/O SRI RAJ KUMAR JHABAK

50:SMT. SONU SETHIA
W/O SRI DHANPAT R. SETHIA

51:SRI DHANPAT R. SETHIA

S/O SRI SUMER MAL SETHIA

52:SRI KRISHNA SHARMA
S/O SRI SANWARMAL SHARMA.

53:SMT. KALPANA NEOG
W/O SRI KABYAJYOTI NEOG

54:KABYAJYOTI NEOG
S/O LATE JYOTISH CHANDRA NEOG

55:SRI VIMAL CHAND KHAJANCHI
S/O LATE VALCHAN KHANCHI

56:SMTI. CHANDRAKALA KHAJANCHI
W/O SRI VIMAL CHAND KHAJANCHI

57:SMT. PARWATI DEVI HARLALKA
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58:SRI JITENDRA KUMAR YADAV
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60:SRI SANDIP KEDIA
S/O SRI MAHABIR PRASAD KEDIA

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62:SRI SEKHAR PODDAR
S/O LATE SRISH CHANDRA PODDAR

63:SMTI. SNEHA HARLALKA
D/O LATE DILIP AGARWAL

64:SMTI. SWAPNA DUTTA
W/O LATE PANKAJ DUTTA
RESPONDENT NO 45 TO 64 ADDRESS ARE - RESIDENT OF DWARKA ENCLAVE
MALIGAON
GUWAHATI-781012
KAMRUP (M)
ASSAM.

65:SRI PRABEEN MASKARA
S/O LATE MAHABIR PRASAD MASKARA
R/O B.K. KAKATI ROAD
ULUBARI
GUWAHATI-781007

66:SHRI PAWAN KUMAR GOEL
S/O SHER SINGH GOEL
R/O LAMB ROAD
AMBARI
GUWAHATI-781001.

67:M/S ACCENT REALCON PVT. LTD.
HAVING ITS REGISTERED OFFICE AND PRINCIPAL PLACE OF BUSINESS

AT B.K. KAKATI ROAD
ULUBARI
GUWAHATI-781001 REPRESENTED BY ITS DIRECTOR.

68:SRI RIJU PRASAD SARMA
S/O LATE RABATI PRASAD SARMA
RESIDENT OF KAMAKHYA HILL
GUWAHATI 781010
KAMRUP (M) ASSAM

Advocate for the Petitioner : MR. A BORPUZARI, MR D K MISHRA,MR. M MORE

Advocate for the Respondent : GA, ASSAM, MR S R A NASER (R-65,66,67),MR G ALAM (R-65,66,67),MR G PATHAK (r-26),MR B SARMAH (r-26),FOR CAVEATOR,MR. R C SAIKIA,SC, REVENUE

Linked Case : I.A.(Civil)/690/2025

PRABEEN KR MASKARA AND 2 ORS
S/O LT MAHABIR PRASAD MASKARA R/O B K KAKATI ROAD ULUBARI
GUWAHATI 781007 ASSAM

2: SHRI PAWAN KUMAR GOEL
S/O SHER SINGH GOEL
R/O LAMB ROAD
AMBARI
GUWAHATI-781001.

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HAVING ITS REGISTERED OFFICE AND PRINCIPAL PLACE OF BUSINESS AT B.K. KAKATI ROAD
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KAMRUP
GUWAHATI

5:THE SETTLEMENT OFFICER
KAMRUP.

6:THE ADDITIONAL DEPUTY COMMISSIONER
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TO THE GOVERNMENT OF ASSAM
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20:SRI LALIT MOHAN DAS
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P.S. BHARALUMUKH UNDER MAUZA JALUKBARI DISTRICT KAMRUP
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SON OF SHRI MAHANTA SWAMI DHANANJOY DAS KATHIA BABA
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WIFE OF SRI BRAJENDRA CHOUDHURY
RESIDENT OF KAHILIPARA
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GUWAHATI-781001

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W/O SRI DHANPAT R. SETHIA

53:SRI DHANPAT R. SETHIA

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RESPONDENT NO 45 TO 64 ADDRESS ARE - RESIDENT OF DWARKA ENCLAVE
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S/O LATE RABATI PRASAD SARMA
RESIDENT OF KAMAKHYA HILL
GUWAHATI 781010
KAMRUP (M) ASSAM.

Advocate for : Dr SYED RIZWAN AHMED NASER
Advocate for : appearing for KABINDRA PRASAD SARMA AND ORS

BEFORE

HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE PRANJAL DAS

O R D E R

15.10.2026

(K.R. Surana, J)

Heard Mr. A. Phukan, learned counsel for the applicants appearing through video conferencing mode. Also heard Mr. P. Sarma, learned counsel for the respondent nos.1 and 2; and Mr. D. Mazumdar, learned Addl. Senior Government Advocate appearing for the respondent no.1 assisted by Ms. S. Nath; Mr. R. C. Saikia, learned Senior Counsel assisted by Ms. K. Yasmin.

2. By filing this interlocutory application, the applicants are praying for modification of the order dated 17.02.2023 passed by this Court in WA 33/2023 to the extent of directing the respondent authorities to initiate the process of mutation of land described therein and to direct implementation of direction II

of paragraph-12 of the judgment and order dated 27.10.2022 passed in WP(C) 6498/2023.

3. In course of hearing, it has transpired that the original land records of village Durga Sarovar under Mouza Jalukbari is lost and has not been reconstructed.

4. The learned Additional Advocate General has produced a copy of the written instructions dated 14.10.2026 issued by the Secretary to the Government of Assam, Revenue and Disaster Management Department, informing that the matter was examined with reference to Court order dated 27.08.2026 and the office of the District Commissioner, Kamrup(M), Guwahati is ready to undertake the requisite exercise of land settlement of the green settlement in respect of Debutter land as well as other land covered by villages/localities viz. Durga Sarovar, Bhubaneswari, Borah and Kamakhaya of the Nilachal Hills, if so directed by this Court or by the Government.

5. In this regard, a clarification has already been made in the order passed today in the connected WA No. 53/2023.

6. In connection with the nature of the prayer in this interlocutory application and taking note of the fact that the original land records of the concerned village Durga Sarovar is missing, any direction issued for carrying out the mutation activities in respect of any land, in respect of which the original records were lost may create anomalous situation before the District Administration, as the previous land records are missing.

7. Therefore, apart from the mutation or correction of land revenue records which are stayed by virtue of the interim order dated 17.02.2024, if there are any other issues, which are required to be addressed, the applicants are at

liberty to move the appropriate authority or the Government for redressal of their grievances, which if raised, shall be examined by the authorities on merit.

8. Accordingly, the aforesaid directions and the liberty to the applicants, this interlocutory application stands closed, without any modification of the order dated 17.02.2023 in W.A. No.33/2023.

JUDGE **JUDGE**

Comparing Assistant