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2026:GAU-AS:15829

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

Case No. : WP(C)/5775/2026

JAYANTA PATOWARY
SON OF LATE DHIRENDRA NATH PATOWARY, RESIDENT OF HOUSE NO 22, SANTIPUR MAIN ROAD, OPPOSITE MASJID LANE, P.O.- BHARALUKUKH, P.S.- BHARALUMUKH, PIN-781009, DISTRICT- KAMRUP (METRO) ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY REVENUE AND DISASTER MANAGEMENT DEPARTMENT, GOVERNMENTT OF ASSAM, DISPUR, GUWAHATI- 781006, ASSAM.

2:THE SECRETARY
ASSAM BOARD OF REVENUE
GUWAHATI 781001
ASSAM.

3:THE DEPUTY COMMISSIONER
DISTRICT- KAMRUP METRO
GUWAHATI 781032
ASSAM.

4:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
DISTRICT KAMRUP METRO
GUWAHATI 781032 ASSAM.

5:THE SUB REGISTRAR
DISTRICT KAMRUP METROPOLITAN
GUWAHATI - 781032
ASSAM

6:THE COMMISSIONER OF POLICE
COMMISSIONERATE OF POLICE
KHANAPARA
GUWAHATI
ASSAM
PIN-781022.

7:SMTI. BHANUMATI SAIKIA PATOWARY
WIFE OF LATE BHUPENDRA NATH PATOWARY
RESIDENT OF HOUSE NO 3
GREEN VALE MOUNT
G. M. C. HOSTEL ROAD
OPPOSITE OF C. R. C.
P.O. BHANGAGARH
P.S.- BHANGAGARH
DISTRICT KAMRUP METRO
ASSAM
PIN- 781032.

8:SRI RAJ KAMAL PATOWARY
SON OF LATE NARENDRA NATH PATOWARY
RESIDENT OF HOUSE NO. 6
ADJACENT TO ARUNA APARTMENTS
SANTI PATH BYE LANE NO. 1
ZOO ROAD
P.O. - ZOO ROAD P.S. -GEETANAGAR. GUWAHATI- 781024
ASSAM

Advocate for the Petitioner : MRS. K K CHOUDHURY,

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 15-10-2026

Heard Ms. K.K. Choudhury, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster Management Department for the respondent nos. 1 & 2; and Mr. P.K. Medhi, learned Junior Government Advocate, Assam for the respondent nos. 3 – 6.

2. From the statements and averments made in this writ petition, it has emerged that by Mutation Orders passed on 29.09.2026 and 30.09.2026 by the respondent no. 4, the names the respondent no. 7 and the respondent no. 8 have been mutated in two plots of land, covered by Dag no. 508 and 509 of Periodic Patta no. 382 and 383, situate at Village – Bharalumukh 1st, Mouza – Jalukbari, Guwahati Revenue Circle, Kamrup [M] district, Assam. Aggrieved by and dissatisfied with the manner in which the above two Mutation Orders were passed by the respondent no. 4, the petitioner had preferred two Revenue Appeals before the Assam Board of Revenue and the respondent no. 2 has acknowledged the filing of the two Revenue Appeals vide Acknowledgment no. 319 and Acknowledgment no. 320 on 08.10.2026.

3. By this writ petition, preferred under Article 226 of the Constitution of India, the petitioner has sought for setting aside and quashing of the Mutation Orders dated 29.09.2026 and 30.09.2026 and also, for consequential alteration made in the Records of Right in respect of the said two plots of land. A prayer for an interim order is also made to the effect that the operation of the said two Mutation Orders shall be kept stayed till the disposal of the two Revenue Appeals. The petitioner has also raised an apprehension that there is a threat of dispossession by the respondent nos. 7 & 8 who are private individuals, at the active assistance of the respondent no. 6.

4. The petitioner has averred that he is owner and in possession of the two plots of land covered by Dag nos. 508 & 509 of Periodic Patta no. 382 and 383, situate at Village – Bharalumukh 1st, Mouza – Jalukbari, Guwahati Revenue Circle, Kamrup [M] district, Assam.

5. As against the Mutation Orders dated 29.09.2026 and 30.09.2026, the petitioner has already preferred two Revenue Appeals before the Assam Board of Revenue and on filing, the two Revenue Appeals have been received under Acknowledgment no. 319 and Acknowledgment no. 320, on 08.10.2026.

6. In so far as the prayer for interim relief is concerned, Section 10 of the Assam Board of Revenue Regulation, 1963 has provided that pending final decision on an appeal or application, the Board may direct that the execution of any order against which the appeal or application is made be stayed on such conditions, if any, as it may laid down. As the Assam Board of Revenue apart from entertaining the Revenue Appeals, stated to have been filed by the petitioner before it, has also the power to stay execution of the Mutation Orders dated 29.09.2026 and 30.09.2026, challenge therein, it is open for the petitioners to urge for the interim relief in the form of staying execution of the said two Mutation Orders.

7. In so far as the allegation made regarding threat of dispossession made by the respondent no. 7 and the respondent no. 8, allegedly with the support of the respondent no. 6 is concerned, the petitioner has the option of seeking appropriate remedy before a civil court against such threat of dispossession.

8. Considering the fact that the two Mutation Orders are challenged before the Assam Board of Revenue in two Revenue Appeals and the Assam Board of Revenue is yet to take cognizance on them, this Court is of the considered view that this writ petition would amount a parallel proceedings, if it is proceeded with. For the said reason, this Court is not inclined to entertain the instant writ petition, at this stage, as the Assam Board of Revenue is yet to decide on the two Revenue Appeals.

9. The learned counsel for the petitioner has also submitted that though the Assam Board of Revenue has acknowledged the filing of the Revenue Appeals under Acknowledgment no. 319 and Acknowledgment no. 320, there might be delay in consideration of the Revenue Appeals. It is, therefore, observed that the respondent no. 2 shall register the two Revenue Appeals, stated to have been filed by the petitioner, in an expeditious manner, if they are otherwise properly instituted, and therefore, take the same on Board to enable the petitioner herein to press the said two Revenue Appeals for admission before the Assam Board of Revenue on merit and if the petitioner as the appellant also presses for any interim relief, the Board may give consideration as per merit and in accordance with law.

10. A copy of this order is to be furnished to Ms Bordoloi, learned Standing Counsel, Revenue & Disaster Management Department for communicating it to the respondent no. 2.

JUDGE

Comparing Assistant