

GAHC010057322026



2026:GAU-AS:5064

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

Case No. : WP(C)/1673/2026

RITA GOWALA
W/O- DILIP GOWALA, RESIDENT OF VILLAGE- BIDYANAGAR, P.O.-
BIDYANAGAR, P.S.- R.K. NAGAR, DIST.- SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, LAND REVENUE AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
SRIBHUMI
P.O. AND DIST.- SRIBHUMI
ASSAM
PIN- 788710

3:THE NODAL OFFICER
INTER RELIGION LAND TRANSFER
REVENUE AND DISASTER MANAGEMENT DEPARTMENT CUM JOINT
SECRETARY/ADDITIONAL DIRECTOR OF LAND RECORDS
ASSAM
RUPNAGAR
GHY-32

4:THE ADDITIONAL DIRECTOR OF POLICE (SPECIAL BRANCH)
ULUBARI

GHY-07

5:THE CIRCLE OFFICER
R.K. NAGAR REVENUE CIRCLE

DISTRICT- SRIBHUMI
ASSAM
PIN- 78871

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. M. Khan, Advocate
For the Respondent(s) : Mr. B. J. Talukdar, Sr. GA, Assam
: Mr. P. K. Medhi, Advocate
: Mr. N. Bordoloi, Standing Counsel

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **06.04.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. M. Khan, the learned counsel appearing on behalf of the Petitioner and Ms. N. Bordoloi, the learned Standing counsel appearing on behalf of the Revenue and Disaster Management Department. I have also heard Mr. B. J. Talukdar, the learned Senior Government Advocate assisted by Mr. P. K. Medhi, the learned counsel appearing on behalf of the Respondent Nos. 2, 3, 4 and 5.

2. The Petitioner herein is the owner of a plot of land admeasuring 5 Bighas 5 Kathas 4 Chataks covered by Kheraj Myadi

Patta No.191, Dag No.759 at Revenue Village Bidhyanagar Chabagan Part-V under Ramkrishna Nagar Revenue Circle in the District of Sribhumi, Assam. On account of need of money which arose due to urgent requirement of treatment for the Petitioner's minor daughter who is suffering from cancer disease, the Petitioner decided to sell 1 Bigha 14 Kathas 8 Chataks of land to Billal Ahmed, Halal Uddin, Sultan Ahmed and Jabir Uddin.

3. In pursuance thereto, the Petitioner submitted an application on 16.08.2025 through online mode for composite land sale permission/NOC for selling the said 1 Bigha 14 Kathas 8 Chataks of land. However, the said application was rejected on 10.10.2025 by the Circle Officer, Ramkrishna Nagar Revenue Circle stating the ground "Excess area sold in the applied dag". The Petitioner thereupon filed another application on 20.11.2025. The said application was also rejected on 05.12.2025 stating "Upto date land revenue receipt and co-pattadar consent not submitted". The Petitioner thereupon submitted the third application on 24.12.2025 after rectifying the defects as mentioned in the earlier two rejected applications and this application was again rejected on 07.01.2026 on the ground of insufficient documents (pattadar failed to submit documents even after follow-up by the Circle Officer i.e. NOC from local authority not submitted). The Petitioner being aggrieved

therefore had approached this Court by filing the present writ petition.

4. When the matter was taken up on 23.03.2026, this Court sought for instructions from both the Standing counsel of the Revenue and Disaster Management Department as well as the Government Advocate appearing on behalf of the District Commissioner and thereby fixed the matter today. However, no instruction has been placed.

5. This Court enquired with the learned counsels appearing on behalf of the Respondents as to what document is being referred to in the rejection order dated 07.01.2026. The learned counsels appearing on behalf of the Respondents failed to apprise this Court as to what document is being referred to in the impugned order dated 07.01.2026.

6. This Court has duly taken note of the order dated 07.01.2026 and further that the land in question is not within any town or village. Nothing could be shown by the Respondents to the effect that permission is required from the Panchayat Authorities for the grant of sale permission.

7. This Court upon giving anxious consideration is of the opinion that the rejection of the Petitioner's application dated 24.12.2025

vide the order dated 07.01.2026 is an apparent case of malice in law inasmuch as the said rejection has been done without proper application of mind and without following the mandate of law. Accordingly, it is the opinion of this Court that the impugned order dated 07.01.2026 thereby rejecting the Petitioner's application seeking sale permission dated 24.12.2025 requires interference.

8. Taking into account the above, the instant writ petition stands disposed of with the following observations and directions:

- (i) The impugned order dated 07.01.2026 by which the Petitioner's application seeking sale permission bearing Reference No. NOC/21/51729/2025 dated 24.12.2025 was rejected is set aside and quashed.
- (ii) The Respondent Nos. 2 and 5 are directed to take effective steps for considering the application filed by the Petitioner seeking sale permission/NOC and the said application be considered and disposed of within a period of 1 (one) month from the date a certified copy of the instant judgment and order is served upon the Respondent No.2.

JUDGE

Comparing Assistant