GAHC010118142026

2026:GAU-AS:9106

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

Case No. : WP(C)/3133/2026

JAYA NATH AND 2 ORS.
W/O- LATE SUKAMAL KANTI NATH, R/O- VILL.- KAZIDAHAR PART-II, P.O.- KAZIDAHAR, PIN-788115, DISTRICT- CACHAR, ASSAM.

2: SAMUJJWAL NATH
S/O- LATE SUKAMAL KANTI NATH
R/O- VILL.- KAZIDAHAR PART-II
P.O.- KAZIDAHAR
PIN-788115
DISTRICT- CACHAR
ASSAM.

3: RAYHAN MAZUMDAR
S/O- LATE LUTFUR RAHMAN MAZUMDAR
R/O- VILL- MADHURBOND
P.O.- SILCHAR
PIN-788001
DISTRICT- CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI, KAMRUP METRO, ASSAM, PIN-781006.

2:THE DISTRICT COMMISSIONER
CACHAR
ASSAM
PIN-788001.

3:THE CIRCLE OFFICER
SONAI REVENUE CIRCLE

DISTRICT- CACHAR
ASSAM
PIN-788119.

4:THE NODAL OFFICER
INTER RELIGION LAND SALE PERMISSION
REVENUE DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI
KAMRUP METRO
ASSAM
PIN-781006

Advocate for the Petitioner : MR. I H SAIKIA, MR. B BORAH,MR. K KALITA,MR K KASHYAB

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

Date : 23-06-2026

Heard Mr. I.H. Saikia, learned counsel for the petitioners; Mr. A. Bhattacharyya, learned Standing Counsel, Revenue & Disaster Management Department for the respondent nos. 1 & 4; and Mr. N. Das, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. The petitioners, 3 [three] in nos., have joined together to prefer the instant writ petition under Article 226 of the Constitution of India. It is stated that the petitioner no. 1 and the petitioner no. 2 are owners of a parcel of land, as described in detail in paragraph 2 of the writ petition. The petitioner no. 1 and the petitioner no. 2 as proposed sellers have entered into an agreement for sale of the said parcel of land located in Sonai Revenue Circle, District – Cachar,

Assam with the petitioner no. 3 as the proposed buyer. After execution of the agreement for sale of the said parcel of land, all the three petitioners applied for land sale permission before the respondent no. 2 as he is the competent authority to issue No Objection Certificate [NOC] for land sale permission under Section 21A of the Registration Act, 1908, as amended by the Registration [Assam Amendment] Act, 2009 and the Registration [Assam Amendment] Act, 2021.

3. Section 21A of the Registration Act, 2009, as amended, reads as under :-

> 21A. Notwithstanding anything contained in any other provision of this Act, no non - testamentary instrument relating to immovable property, except for house, flat, residential apartment, commercial bulding or any construction or structure erected on a plot of land, shall be accepted for registration, unless the Deputy Commissioner of the concerned district issues a No Objection Certificate containing the description of such immovable property to be transferred and also such other No objection Certificates, which are required to be issued by the Deputy Commissioner or any other Authority under any law for the time being in force or under any Executive Instruction, Order etc. issued by the State Government from time to time;
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> Provided that all such No Objection Certificates shall be issued within a period of thirty days from the date of the receipt of application and in case No Objection Certificate is not issued within the stipulated period of thirty days, a speaking order with reasons thereof shall be issued to the applicant within the said stipulated period.

4. The application for land sale permission had to be submitted by the petitioners physically in the offline mode as online application process for issuance of NOC for land sale permission has not yet been implemented in Cachar District till date. The receipt of the said application was acknowledged vide Docket no. 3479 dated 05.12.2025.

5. It is a statutory mandate under Section 21A of the Registration Act for the jurisdictional Deputy Commissioner to either issue a No Objection Certificate containing the description of the immovable property to be transferred or to pass a speaking order with reasons thereof within a period of 30 days from the date of receipt of the application in case NOC is not issued within the prescribed period of 30 days.

6. As after submission of the application on 05.12.2025, neither NOC granting sale permission for transfer of the parcel of land indicated in the application has been issued nor a speaking order has been passed. The petitioners, aggrieved thereby, are before this Court by the instant writ petition.

7. On 19.06.2026, the learned Government Advocate, Assam was asked to obtain instruction as to why the application submitted by the petitioner for NOC has not been processed to a logical conclusion in terms of Section 21A, as contended on behalf of the petitioners.

8. Today, Mr. Das, learned Junior Government Advocate has placed an Office Letter no. CRS.3/SONAI/NOC/2026/Misc/9 dated 22.06.2026 from the office of the respondent no. 2, addressed to him. On the basis of the instruction

given therein, Mr. Das has submitted that by the application for NOC for Land Sale permission, NOC for transfer of a parcel of land measuring 7 Kathas, covered by Dag nos. 271, 273, 278, 272, 275, 277 and 278 under 2nd RSS Patta no. 85 and 86 at Mouza – Kajidahar Pt-II, Sonai Revenue Circle, Cachar has been sought.

9. It is mentioned that as per the Standard Operating Procedure [SOP], the said application has been forwarded to the Assistant Settlement Officer, Sonai Revenue Circle for enquiry and report. It is mentioned that as the enquiry is not processed at Sonai Revenue Circle and the same is awaited, the process of issuing the NOC could not be completed in time.

10. In section 21A of the Registration Act, the time period of 30 days for processing the application and to issue NOC has been prescribed. In the event, the NOC cannot be issued within the period of 30 days from receipt of the application or in case NOC is not issued within the prescribed period of 30 days, a speaking order with reasons has to be passed to the applicants within the prescribed time period.

11. In the Notification dated 09.09.2025 of the Revenue and Disaster management Department, Government of Assam a Standard Operating Procedure [SOP] has been framed. The relevant excerpts of the Notification are quoted herein under :-

> Now therefore, the Governor of Assam is pleased to notify the following SOP for grant of No Objection Certificate [NOC] by the District Commissioner for

Registration of Transfer of Land (Land Sale, Lease Gift etc.) under Section 21A of Registration Act, 1908 in cases where the buyers and sellers belong to different religious communities, as outlined below :-

1. An application for grant of NOC for Transfer of land shall be made by the applicant through SEWA SETU portal, to the office of the District Commissioner under whose jurisdiction the land is situated, with details on the reasons for sale and the value of transaction.

2. District Commissioner shall collect a report from the concerned Circle Officer on the veracity of the details submitted by the applicant.

3. District Commissioner, upon receipt of the report from Circle Officer shall forward the application to the Nodal Officer, Inter Religion Land Sale permission, Revenue & D.M. Department for examination of the comprehensive report.

4. The Nodal Officer, Inter Religion Land Sale permission, Revenue & D.M. Department will further seek a report from Special Branch(SB), Assam Police HQ, on the following points.

a. Whether such transfer of land could be under undue threat, coercion or fraudulent means

b. Whether such transfer of land has the propensity to disturb peace and communal harmony in the area of proposed Land Transfer

c. Whether such land transfer could pose a threat to national security

d. Character & Antecedent report of buyer and seller.

5. Upon receipt of the report from Special Branch, the Nodal Officer, Inter Religion Land Sale permission, Revenue & D.M. Department shall forward the same to the District Commissioner concerned.

> 6. Subsequent to the receipt of the report of the Special Branch from the Nodal Officer, Inter Religion Land Sale permission, Revenue & D.M. Department, District Commissioner will take a decision to either call for further queries from the applicants, reject the proposal or issue NOC for such Land Transfer.
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> 7. In the event that an application is not disposed within 30 days from the date of application, the District Commissioner will issue speaking order with reasons thereof to the applicant within' the said stipulated period as per the provisions of Section 21A.

12. Under Section 21A of the Registration Act, as amended, as well as in the SOP formulated by the State Government, by the Notification dated 09.09.2025, time period of 30 days from the date of application for processing of the application has been prescribed.

13. Since as per the instruction placed before this Court, the application is still being processed, this writ petition is disposed of with a direction to the respondent no. 2 to bring the entire process to its logical conclusion in strict compliance of the statutory mandate contained therein within a period of thirty days from today if the application submitted by the petitioner for NOC/Land Sale Permission is complete in all respects. If in the processing of the application, any further document is necessary from the applicants-petitioners then the respondent no. 2 shall inform the applicants-petitioners in writing as regards the deficiency, if any, in their application within a time period of 15 days from the date of submission of a copy of this Order at his office. In such a situation, the time period of thirty days is to be calculated from the date of meeting the

deficiencies by the petitioners.

14. This order disposes of the writ petition.

15. The Office Letter no. CRS.3/SONAI/NOC/2026/Misc/9 dated 22.06.2026 placed by Mr. Das is to be kept as part of the case record by marking it as Document-'X'.

JUDGE

Comparing Assistant

Digitally signed by Pallabi Das
Date: 2026.06.24 09:42:48 +05'30'