



GAHC010131622022

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

Case No. : I.A.(Civil)/1962/2022

LABANYA KALITA AND 4 ORS.

W/O- LT. NARENDRA KALITA, R/O- VILLAGE DHARAPUR, DHOPARTAL,
P.S. AZARA, MOUZA RAMCHARANI, DIST.- KAMRUP(M), ASSAM.

2: SRI MUNINDRA KALITA
S/O- LT. NARENDRA KALITA
R/O- VILLAGE DHARAPUR
DHOPARTAL
P.S. AZARA
MOUZA RAMCHARANI
DIST.- KAMRUP(M)
ASSAM.

3: NAYAN KALITA
S/O- LT. NARENDRA KALITA
R/O- VILLAGE DHARAPUR
DHOPARTAL
P.S. AZARA
MOUZA RAMCHARANI
DIST.- KAMRUP(M)
ASSAM.

4: SRI UTPAL KALITA
S/O- LT. NARENDRA KALITA
R/O- VILLAGE DHARAPUR
DHOPARTAL
P.S. AZARA
MOUZA RAMCHARANI
DIST.- KAMRUP(M)
ASSAM.

5: SRI APURBA KALITA
S/O- LT. NARENDRA KALITA
R/O- VILLAGE DHARAPUR



DHOPARTAL
P.S. AZARA
MOUZA RAMCHARANI
DIST.- KAMRUP(M)
ASSAM

VERSUS

JANAJIT DAS AND 6 ORS.
S/O- LT. JATIN DAS, R/O- VILL. AND P.O.- DHARAPUR, P.S. AZARA, DIST.-
KAMRUP(M), ASSAM, PIN- 781017.

2:SMTI RENU DAS

D/O- LT. JATIN DAS
R/O- VILL. AND P.O.- DHARAPUR
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.

3:PADMA LOCHAN DAS

S/O- LT. JATIN DAS
R/O- VILL. AND P.O.- DHARAPUR
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.

4:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND D.M. LR DEPARTMENT
DISPUR
GUWAHATI 781006.

5:THE SECRETARY

GOVT. OF ASSAM
REVENUE AND D.M. L.R. DEPTT.
DISPUR
GHY.- 781006.

6:THE DEPUTY COMMISSIONER
KAMRUP(M)
PANBAZAR



GUWAHATI- 781001.

7:THE CIRCLE OFFICER

AZARA REVENUE CIRCLE
AZARA
GUWAHATI- 781017

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/2844/2022

JANAJIT DAS AND 2 ORS
S/O- LT. JATIN DAS
R/O- VILL. AND P.O.- DHARAPUR
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.

2: SMT. RENU DAS
D/O- LT. JATIN DAS
R/O- VILL. AND P.O.- DHARAPUR
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.

3: PADMA LOCHAN DAS
S/O- LT. JATIN DAS
R/O- VILL. AND P.O.- DHARAPUR
P.S. AZARA
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.
VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND D.M. LR DEPTT.
DISPUR



GHY.- 781006.

2:THE SECRETARY
GOVT. OF ASSAM
REVENUE AND D.M. L.R. DEPTT.
DISPUR
GHY.- 781006.

3:THE DY. COMMISSIONER
KAMRUP(M)
PANBAZAR
GUWAHATI- 781001.
4:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE
AZARA
GUWAHATI- 781017.

Advocate for : MR. B PATHAK

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

JUDGMENT & ORDER (ORAL)

07.09.2022

Heard Mr. R Sarma, learned counsel for the applicant. Also heard Mr. B Pathak, learned counsel for the writ petitioner in WP(C)No.2844/2022.

2. WP(C)No.2844/2022 has been instituted for directing the respondent No.4 i.e. the Circle Officer Azara Revenue Circle to make correction in the Jamabandi in respect of Patta No.401 of village Mazirgaon, Mouza Ramcharani as per the judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018 of the Additional Deputy Commissioner, Kamrup(M), Guwahati.

3. The judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018 was passed by the Additional Deputy Commissioner, Kamrup(M), Guwahati in respect of a proceeding between Janajit Das, the present petitioner and Labannya Kalita, Munindra Kalita, Nayan Kalita, Utpal Kalita and Apurba Kalita, who infact are the applicants seeking to get themselves impleaded as respondents in WP(C)No.2844/2022.

4. The judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018 apparently appears to be in favour of the writ petitioner Janajit Das and the applicants herein being Labannya Kalita, Munindra Kalita, Nayan Kalita, Utpal Kalita and Apurba Kalita who were the opposite parties in Revenue Appeal No.RA(M)21/2018 now seeks for a direction to implead themselves in WP(C)No.2844/2022 by way of this interlocutory application. In other words, the purpose of the applicants to get themselves impleaded would be to oppose the implementation of the judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018.

5. In the circumstance, we do not feel that any legal right had accrued in favour of the applicants to oppose the implementation of the judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018 in a writ petition filed by the person in whose favour the said judgment was passed. Therefore, the applicants herein are not necessary parties in WP(C)No.2844/2022. If the applicants have anything to say to oppose the writ petition, it would be in the nature of raising contentions against the acceptability of the judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018. The appropriate



remedy for the applicants if they are aggrieved by the judgment and order dated 05.10.2021 in Revenue Appeal No.RA(M)21/2018 would be to proceed against the said judgment instead of seeking to oppose the judgment and order by impleading themselves as the respondents in WP(C)No.2844/2022.

6. Accordingly this application for impleadment stands rejected. However, liberty, remains with the applicants to proceed in any manner as may be available to them under the law.

7. Interlocutory application stands disposed of.

JUDGE

Comparing Assistant