

GAHC010145792026



2026:GAU-AS:10200

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

Case No. : WP(C)/3735/2026

KARTIK RABIDAS AND 2 ORS
S/O - LATE JATILAL RABIDAS, R/O - RAJBARI, P.O. AND P.S.
PATHARKANDI, DISTRICT- SRIBHUMI, ASSAM.

2: PANNALAL RABIDAS
S/O - LATE MANILAL RABIDAS
R/O - RAJBARI
P.O. AND P.S. - PATHARKANDI
DISTRICT SRIBHUMI
ASSAM.

3: ABUL FAYAZ MD. YEHYA
S/O - SAFIKUR RAHMAN
R/O - NABIPUR
P.O. BAROIGRAM
P.S. - PATHARKANDI
DISTRICT- SRIBHUMI
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, REVENUE AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI - 781006.

2: THE DISTRICT COMMISSIONER
SRIBHUMI
P.O
P.S. AND DISTRICT- SRIBHUMI
ASSAM.

3: THE DISTRICT REGISTRAR
SRIBHUMI
P.O.

P.S. AND DISTRICT- SRIBHUMI
ASSAM.

4:THE CIRCLE OFFICER
PATHARKANDI REVENUE CIRCLE
P.O. AND P.S. PATHARKANDI
DISTRICT- SRIBHUMI
ASSAM.

5:THE SUB-REGISTRAR
PATHARKANDI
P.O. AND P.S. PATHARKANDI
DISTRICT- SRIBHUMI
ASSAM

Advocate for the Petitioner : MR. S K TALUKDAR, MR. J M A CHOUDHURY, L P BORAH, MS.
M PAUL, K G CHOWDHURY

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

Date : 22.07.2026

Heard Mr. J.M.A. Choudhury, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent no. 1; and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 2 – 5.

2. The case of the petitioners is that they had submitted an application for No Objection Certificate [NOC] for transfer of a plot of land under Section 21A of the Registration Act, 1908, as amended, by the Registration [Assam Amendment] Act, 2009. It is the contention of the petitioners that as official survey operation relating to the concerned area, mentioned in the application, has not yet been completed, the facility to submit the application online, was not available to the petitioners, at the time of submission of the application on 11.02.2026. Therefore, the application through offline mode seeking issuance of the NOC was submitted before the competent authority, acknowledgement of which was received as Document no. 40A.

3. Both Ms. Bordoloi and Mr. Hazarika have accepted the position that for the area in question, an application for No Objection Certificate [NOC] is to be submitted in the offline mode in view of non-availability of the facility to submit it online. They have submitted that the application is required to be processed as the Standard Operating Procedure [SOP], notified by a Notification dated 09.09.2025.

4. Mr. Choudhury has submitted that the petitioner nos. 1 & 2 are the owners of a parcel of land, covered by Dag nos. 705 & 703 & Patta nos. 170 & 165, situate in Pargana – Prathapghar, Mouza – Rajabari, District – Sribhumi, Assam and in order to sell a part out of the said parcel of land, measuring 8 Kathas at an agreed consideration of Rs. 42,00,000/-, they had entered into an Agreement for Sale of the said part of land with the petitioner no. 3. Thereafter, the application for the NOC was submitted on 11.02.2026.

5. It is the case of the petitioners that as the said application for NOC has not been processed to its finality despite elapse of more than five months since 11.02.2026, the petitioners are constrained to approach this Court by the instant writ petition seeking inter alia a direction to the respondent authorities, more particularly, the respondent no. 2 to bring the process of issuance of No Objection Certificate [NOC] to its finality at the earliest.

6. The Registration Act, 1908 came to be amended by the Registration [Assam] Amendment Act, 2009 with the insertion of Section 21A, and again, by the Registration [Assam Amendment] Act, 2021. After those amendments, Section 21A of the Registration Act, 2009 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 building 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;

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.

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

8. The Revenue & Disaster management Department, Government of Assam has framed a Standard Operating Procedure [SOP] in relating to the procedure of granting No Objection Certificate [NOC] under Section 21A of the Registration Act, 1908, as amended. The SOP has been notified by a Notification dated 09.09.2025. 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.

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.

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

10. It is an admitted position that the processing of the application, submitted on 11.02.2026, has not reached its finality till date despite elapse of more than five months since its submission. Therefore, instead of keeping this writ petition pending, this writ petition, in view of the statutory prescription contained in Section 21A of the Registration Act and the SOP notified by the Notification dated 09.09.2025, is disposed of with a direction to the respondent authorities, more particularly, the respondent no. 2 to bring the entire process to its conclusion in strict compliance of the statutory prescription as expeditiously as possible, but within an outer limit of thirty days from the date of submission of a certified copy of this order at the office of the respondent no. 2 by the petitioners. If in the processing of the application, any further document is necessary from the petitioners then the respondent no. 2 shall inform the petitioners in writing as regards the deficiency in their application within a time period of fifteen days from the date of submission of a copy of this Order at his office and in such situation, the time period of thirty days is to be calculated from the date of meeting the deficiencies by the petitioners.

11. With the observations made and the directions given above, the writ petition is disposed of. No cost.

JUDGE

Comparing Assistant