

GAHC010170702025



2026:GAU-AS:12951

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

Case No. : WP(C)/4341/2025

RANJIT KUMAR SARMAH @ RANJIT KUMAR SARMA
S/O DIBAKAR SARMAH
R/O ZOO ROAD,
P.O. JAPORIGOG ROAD,
BARNALI PATH
P.S. DISPUR,
DIST. KAMRUP (M), ASSAM, PIN-781005.

VERSUS

THE PRINCIPAL SECRETARY OF ASSAM AND 4 ORS.
FINANCE DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI-6, DIST.
KAMRUP (M), ASSAM

2:THE CHAIRMAN

THE FINANCIAL CORPORATION
VITTIYA BHAVAN
MD. SHAH ROAD
PALTAN BAZAR
GUWAHATI-8
DIST. KAMRUP (M)
ASSAM

3:THE MANAGING DIRECTOR

THE ASSAM FINANCIAL CORPORATION
VITTIYA BHAVAN
MD. SHAH ROAD
PALTAN BAZAR
GUWAHATI-89
DIST. KAMRUP (M)

ASSAM

4:THE DEPUTY GENERAL MANAGER

THE ASSAM FINANCIAL CORPORATION
VITTIYA BHAVAN

MD. SHAH ROAD
PALTAN BAZAR
GUWAHATI-8
DIST. KAMRUP (M)
ASSAM

5:ASSAM FINANCIAL CORPORATION
REPRESENTED BY ITS CHAIRMAN VITTIYA BHAVAN
MD SHAH RD.
PALTAN BAZAR
GHY-8
DIST- KAMRUP (M)
ASSAM

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the Petitioner(s) : Mr. F. K. R. Ahmed, Advocate

Advocate for the Respondent(s) : Mr. M. Bhuyan
SC, Finance
Mrs. T. Goswami, Advocate
Mr. S. S. Govt. Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 07.09.2026

Whether the pronouncement is of the
Operative part of the judgment? : Yes

Whether the full judgment has been
Pronounced? : No

JUDGMENT AND ORDER (ORAL)

Heard Mr. F. K. R. Ahmed, the learned counsel appearing on behalf of the Petitioner. Mr. M. Bhuyan, the learned counsel appears on behalf of the Respondent No.1 and Mrs. T. Goswami, the learned counsel appears on behalf of the Respondent Nos.2 to 5.

2. The father of the Petitioner, namely, Dibakar Sarmah (since deceased) who was the owner of a plot of land. He mortgaged the said land and took a loan of Rs.2,80,000/- in the year 1993 from the Respondent Nos.2 to 5. Pursuant to the death of the Petitioner's father, the Petitioner took steps for settlement of the loan. Upon such application filed by the Petitioner, the Respondent Nos.2 to 5 issued a communication to the Petitioner on 16.03.2018 that the principal dues payable was Rs.2,69,214/- and the interest payable was Rs.27,30,652/-, totalling to Rs.29,99,866/-. In addition to that, the said Respondents also informed the Petitioner that an amount of Rs.1,65,639/- was also required to be paid by the Petitioner on account of legal fees, valuer fee and takeover expenses. In total, the Petitioner was asked to pay an amount of Rs.31,65,505/-. Certain conditions were also mentioned in the said communication which included that the Petitioner should submit an undertaking along with an

application stating that the Petitioner would withdraw the case filed against the Respondent Corporation upon settlement.

3. The materials on record show that the Petitioner duly paid the amount of Rs.31,65,505/- within the stipulated time as granted in the communication dated 16.03.2018 and this aspect was duly certified by the Deputy General Manager in-Charge of the Assam Financial Corporation in a certificate dated 10.07.2018.

4. It is the case of the Petitioner that in spite of the amount settled, the Respondent Authorities have not released the documents of the mortgaged land which were deposited at the time of availing the loan to the Respondent Corporation, and as such, the writ petition was filed.

5. The Respondent Nos.2 to 5 have filed an affidavit-in-opposition wherein though they have admitted that the amount of Rs.31,65,505/- was duly received, but on the ground, i.e. the Petitioner failing to withdraw the case immediately though subsequently withdrawn after two years, the Respondent Corporation is not willing to return the documents to the Petitioner unless further payment of Rs.50,000/- is not paid. In addition to that, it is the further case of the Respondent Nos.2 to 5 that Late Dibakar Sarmah was survived by other legal

representatives other than the Petitioner, and as such, as there was no NOC produced from the other legal representatives, the Respondent Nos.2 to 5 are not in a position to return the original documents of the mortgaged property to the Petitioner without an NOC from the other legal representatives.

6. This Court has given an anxious consideration to the respective submissions. In the opinion of this Court, the Respondent Corporation has no authority to retain the documents submitted at the time of availing the loan after the loan amount was liquidated by the Petitioner.

7. It is rather shocking that the Respondent Corporation which is a 'State' within the meaning of Article 12 of the Constitution are resorting to such illegalities and coercion. At the cost of repetition, this Court finds it apposite to observe that against the loan amount of Rs.2,80,000/-, the Respondent Corporation at the time of settlement realized an amount of Rs.31,65,505/- which included ten times the interest to that of the loan amount. Apart from that, all other expenses were taken. Under such circumstances, the action of the Respondent Corporation not to return the documents amounts to illegal and arbitrary action.

8. This Court had also taken note of that the Respondent Assam Financial Corporation is insisting on an NOC from the

other legal heirs or legal representatives of Late Dibakar Sarmah. It is shocking that while arriving at the settlement with the Petitioner and taking the money from the Petitioner, the Respondent Corporation had no problem. The said excuse of the Respondent Corporation is nothing but another way to coerce the Petitioner to cough out more amounts. In the opinion of this Court, the action on the part of the Respondent Nos.2 to 5 calls for passing certain directions for payment of compensation to the Petitioner. However, this Court restrains itself from doing so.

9. This Court therefore disposes of the instant writ petition with the following observations and directions:-

(i) The Respondent Assam Financial Corporation, i.e. the Respondent Nos.2 to 5 have no authority to retain the said original documents of the mortgaged property after the liquidation of the said amount to the satisfaction of the Respondent Authorities.

(ii) The Respondent Nos.2 to 5 are directed to hand over the original documents to the Petitioner of the mortgaged property forthwith upon receipt of a certified copy of the instant order.

(iii) This Court further observes that handing over the original documents to the Petitioner shall not affect the

rights of the other legal heirs of Late Dibakar Sarmah.

(iv) No costs.

JUDGE

Comparing Assistant