

GAHC010001682026



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

Case No. : WP(C)/93/2026

JUMAR ALI AND 27 ORS.
S/O ABDUL GONI

2: RAJBHANU BIBI
D/O AJAM ALI
W/O GIYAS UDDIN

3: ASAD ALI
S/O MUJAHAR ALI

4: KOKMAR ALI
S/O LATE MASAR ALI

5: AHAMMAD ALI
S/O ABDUL KARIM

6: ABDUL GONI MONDAL @ GONI MONDAL
S/O LATE KEFAT ALI

7: ALI HUSSAIN
S/O MAGADH ALI

8: ABU BAKKAR SIDDIQUE
S/O ABDUL KARIM

9: NUR ISLAM SARKAR
S/O CHEBAT SARKAR

10: NURUL ISLAM @ NUR ISLAM
S/O JANIK ULLAH

11: SAMSUL HOQUE
S/O MENAJ ALI

12: TAMSI BIBI
W/O RAMJAN ALI

13: SABAR ALI
S/O SONAULLAH

14: SULTAN ALI
S/O SUKUR ALI

15: REJINA BEGUM
W/O SONAULLAH SHEIKH

16: SEKENDAR ALI
S/O ALIMUDDIN ALI

17: DELDAR ALI @ DELBAR ALI @ DELDAR ALI SARKAR
S/O CHEPAT SARKAR

18: ABUL KALAM
S/O JANIK ULLAH MUNSHI

19: NAIBUDDIN
S/O KACHAM ALI

20: SAHIT ALI
S/O ISMAIL HUSSAIN

21: AJIBAR RAHMAN
S/O ANSER ALI

22: FAJAR ALI
S/O TABJAL HOSEN

23: KERAMAT ALI
S/O ABDUL RASHIK

24: OSMAN ALI
S/O SAYED ALI

25: ABDUL BAREK
S/O JANIK ULLAH MUNSHI

26: MD. ALI AKBOR MONDAL
S/O AJOR ALI MONDAL

27: ABDUL OHAB
S/O JANIK ULLAH

28: ABUL KASHEM
S/O JANIK ULLAH MUNSHI
ALL ARE RESIDENTS OF VILL- CHARUA BAKHRA JUNGLE BLOCK
P.O. CHAPOR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT, DISPUR,
GUWAHATI-06.

2:THE DISTRICT COMMISSIONER AND COLLECTGOR OF DHUBRI
AT DHUBRI
P.O. (HEAD OFFICE)
PIN-783301

3:CO-DISTRICT COMMISSIONER

BILASIPARA
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348.

4:CIRCLE OFFICER

CHAPAR REVENUE CIRCLE
P.O.AND P.S. CHAPAR
DIST. DHUBRI
ASSAM
PIN-783377

Advocate for the Petitioner : MR. M A SHEIKH, MS F INTAZ

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

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

06.01.2026

Heard Mr. MA Sheikh, learned counsel for the petitioners. Also heard Mr. R Borpujari, learned Standing Counsel, Revenue and Disaster management Department for the respondent no.1 and Mr. D Natah, learned Senior Government Advocate, Assam for the respondents no. 2, 3 & 4.

2. The petitioners 28 in numbers claim to be residents of the area, the particulars of which are specified in Schedule- A to schedule A-2, which are enclosed to the writ petition. The grievance of the petitioners are that by way of eviction notice dated 03.01.2026 issued by the respondent no.3 individually to the petitioners, the respondent authorities have sought to undertake a process for eviction of the petitioners, as this land stated to be under the occupation of the writ petitioners is said to be requisitioned land.

3. The learned counsel for the petitioners submits that this notice dated 03.01.2026 was served on the petitioners giving three days time to reply and as such, in view of the short period for replying to the notice, the petitioners have expressed strong apprehension that the eviction process will be carried out today. The learned counsel for the petitioners has also referred to the order dated 17.11.2025 passed in WP(C) No. 6454 of 2025, which was filed by some

of the petitioners and the co-ordinate Bench of this Court, while disposing of the said writ petition directed as under:

“.....

8. As the respondent no.2, who has issued the notice and orders, impugned herein, has an obligation to dispose of the representations submitted by the petitioners-noticees after due consideration, this Court taking into consideration the submissions made by the learned counsel for the parties, is of the considered view that if the representations submitted by the petitioners notices have not yet been disposed of by the respondent no.2, then the respondent no.2 shall take those representations on board, which are annexed as Annexure-A1 to Annexure-A33 of the writ petition, for consideration and after giving due consideration, shall dispose of the same by taking into account the grounds raised in the written objection, by way of separate speaking orders. The respondent no.2 shall pass the speaking orders as expeditiously as possible and the speaking order so passed, shall be communicated to the petitioners forthwith thereafter. To balance the equities, it is provided that till such disposal is done by speaking orders, no coercive action shall be taken against the petitioners in terms of the notices and orders, dated Nil. It is further clarified that this directions only would be operative only if in the meantime, the representations have not yet been disposed of.”

4. It is the contention of the petitioners that pursuant to the order dated 17.11.2025 passed in WP(C) No.6454/2025, the petitioners represented before the authorities which were duly received. However, to the best of the information of the petitioners, these representations were not disposed of. It is therefore submitted that when there is a specific direction by this Court to pass effective orders on the representations, until such disposal, no coercive action is to be taken against the petitioners in terms of the notices or orders, the issuance of the impugned eviction notices dated 03.01.2026 without due

compliance of the directions of the Court passed in WP(C) No.6454/2025 by order dated 17.11.2025 is arbitrary and opposed to public policy.

5. Therefore, the impugned eviction notices dated 03.01.2026 be interfered with, set aside and quashed, and during the currency of the proceedings, the operation of the said notices be suitably stayed.

6. Mr. R. Borpujari, learned Standing Counsel representing the respondent no. 1, on instructions, submits that the direction issued by the Court by the order dated 17.11.2025 passed in WP(C) No.6454/2025, was duly carried out, the petitioners therein were duly heard and thereafter, speaking orders were passed and copies thereof were also served on the petitioners. He further submits that since the impugned notice dated 03.1.2026 was issued providing 3 (three) days time for vacating the land and the notices having been issued on 03.01.2026, the period of 3 (three) days expired on 05.01.2026 and therefore, the respondent authorities have already undertaken the eviction process in the said land as per the written instructions received from the District Magistrate, Dhubri. The learned Standing Counsel has also placed before the Court a copy of the said written instruction received from the District Magistrate, Dhubri dated 06.01.2026.

7. Mr. D Nath, learned Senior Government Advocate, Assam representing the respondents 2, 3 & 4 also makes similar submissions and submits that the

eviction process has already been undertaken and completed.

8. Having heard counsel for the parties and upon perusal of the written instructions, it is seen that the District Magistrate, Dhubri by order dated 06.01.2026 has clearly informed the learned Standing Counsel, Revenue and Disaster Management that the eviction process was started at 7.30 a.m. in the Charuabhakra-JB, Chirakuta area and was duly completed by 1.40 p.m. The instructions also reflect that in terms of the directions dated 17.11.2025 passed in passed in WP(C) No.6454/2025 and other connected writ petitions, the hearings with regard to those writ petitions have already been carried out and speaking orders and payment details are also enclosed to the same instructions, which, however, have not yet been placed before the Court.

9. The primary challenge of the writ petitioners to the impugned eviction notice dated 03.01.2026 is that the same were issued without complying with the directions contained in the order dated 17.11.2025 passed in passed in WP(C) No.6454/2025, which, however, has been contradicted by the respondent counsel on written instructions to submit that these contentions are incorrect as the representations were taken up, hearings conducted and the speaking orders were already issued.

10. Under such circumstances, it would be apposite to direct the respondent authorities to place before the Court the speaking orders passed by the

respondent authorities in respect of the writ petitioners in the present proceedings pursuant to the directions contained in the order dated 17.11.2025 passed in WP(C) No.6454/2025. Since there is a dispute as on date as to whether the eviction process has been carried out as the learned counsel for the petitioner on instructions submits that the eviction has not yet been carried out and the steps are being taken to undertake the eviction process and which is contradicted on the basis of instructions by the respondent authorities that eviction process was duly carried out on 06-01-2026 at 7.30 a.m. and was completed by 1.40 p.m. stated to have been carried out by the respondents will be made subject to the outcome of the writ petition. If the eviction is carried out as stated by the respondent authorities, the respondents will ensure that the writ petitioners are granted all the facilities and the privileges which are prescribed under the Assam Land Policy for 2019.

11. Accordingly, list the matter on 21.01.2026.

12. The authorities will not take any further steps in respect of this land till the next date fixed.

The respondents shall endeavour to file their affidavits before the next date fixed.

JUDGE

Comparing Assistant