

GAHC010008402026



2026:GAU-AS:2957

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

Case No. : WP(C)/210/2026

MESER ALI AND 41 ORS
S/O. ABDUL KHALEK
ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND REVENUE CIRCLE
HAJO
DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

2: NUR HOQUE
S/O. SOMEJ ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND REVENUE
CIRCLE- HAJO
DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

3: PORIA PARBIN
D/O. ABDUL KARIM ORIGINALLY RESIDED AT VILL. BANGALPARA P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

4: HAYBAR ALI
S/O. MACHLEM ALI ORIGINALLY RESIDED AT VILL. BHELKAR NO. 2 P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

5: HASMAT ALI
S/O. CHANDU MIYA ORIGINALLY RESIDED AT VILL. SARABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM

PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

6: CHABER ALI
ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND REVENUE CIRCLE
HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

7: AMIR ALI
S/O. BAHEJ ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO
DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

8: NAYAN SHEK
S/O. LATE OHED ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S.
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

9: AHAB ALI
S/O- ACHMAT ALI
ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND REVENUE CIRCLE
HAJO
DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

10: TOCHIRAN NESSA
W/O. JAINUDDIN ALI ORIGINALLY RESIDED AT VILL. NO. 2 BHELKAR P.S.
AND REVENUE CIRCLE HAJO
DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

11: MAYFUL KHATUN
W/O. RAHIM BADSHA ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO

DIST. KAMRUP (ASSAM)

12: CHURMAN ALI
S/O. RAHMAT ALI ORIGINALLY RESIDED AT VILL. BARKHALIHAMARI P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

13: HABIBUR RAHMAN
S/O. ACHMAT ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

14: MOYNAL HOQUE
S/O. IMAN HUSSAIN ORIGINALLY RESIDED AT VILL. NO. 2 BHELKAR P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

15: SAKINA KHATUN
W/O. JULHAS ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. REVENUE
CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

16: RAHIM BADSHA
S/O. BANIJ SHEKH ORIGINALLY RESIDED AT VILL. BARKHALIHAMARI P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

17: DEWAN ALI
S/O. ABDUR RASHID ORIGINALLY RESIDED AT VILL. NO. 2 BHELKAR P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

18: SAFIQL ISLAM
S/O. MAJIBUR RAHMAN ORIGINALLY RESIDED AT VILL. TAPABORI P.S.
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)

P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

19: ASUR UDDIN
S/O. AMIR ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

20: RAHICH ALI
S/O. AINUDDIN ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

21: BANET ALI
S/O. HAJARAT ALI ORIGINALLY RESIDED AT VILL. BARALAKHAITY P.S.
MANGALDAI
DIST
DARRANG
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

22: MOFIDA KHATUN
W/O. SUROZ ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

23: HABEJ ALI
S/O. JONAB ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

24: SAMAD ALI
S/O. JONAB ALI ORIGINALLY RESIDED AT VILL. PANDITOR PAM P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

25: LOKMAN ALI

S/O. ACHMAT ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

26: ADARI BEGUM
W/O. JIL HUSSAIN ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

27: HALIM ALI
S/O. SHAJAMAL ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

28: ABUL HUSSAIN
S/O. NAYAN ALI ORIGINALLY RESIDED AT VILL. TAPABORI PRESENTLY
RESIDING AT NO. 1 DOKANIA
P.S. AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102

29: RABIYA KHATUN
W/O. SHAJAMAL ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

30: JIL HUCHEN
S/O. OCHUMUDDIN AHMED ORIGINALLY RESIDED AT VILL. TAPABORI P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

31: CHAHAJAHAN ALI
S/O. SADA MIYA (PETITIONER IN 2017) ORIGINALLY RESIDED AT VILL.
TAPABORI P.S. AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN-
781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

32: ANNA KHATUN

W/O. ASMAT ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

33: ABU BAKKAR
S/O. HABIBAR RAHMAN ORIGINALLY RESIDED AT VILL. TAPABORI P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

34: MAMOD ALI
S/O. LALCHAN ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

35: MESER ALI
S/O. MUSHA SHEIKH ORIGINALLY RESIDED AT VILL. NO. 2 BHELKAR P.S.
AND REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

36: KADDUCH ALI
S/O. PASA SHEIKH ORIGINALLY RESIDED AT VILL. KURIHAMARI
BORCHULIA P.S. MUKALMUA
DIST- NALBARI
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

37: ANOWAR HUSSAIN
S/O. ECHAHAK ALI ORIGINALLY RESIDED AT VILL. TAPABORI P.S.
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

38: JAYAN ALI
S/O. MAINAL HOQUE ORIGINALLY RESIDED AT VILL. NO.2 BHELKAR P.S.
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

39: ACHURUDDIN
S/O. AKTAR ALI ORIGINALLY RESIDED AT VILL. CHARAL PARA P.S.
CHHAYGAON
DIST. KAMRUP
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

40: DILOWAR HUSSAIN
S/O. ACHMAT ALI ORIGINALLY RESIDED AT VILL. BANGAL PARA P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

41: HALIMA KHATUN
W/O. MERAJUL HOQUE ORIGINALLY RESIDED AT VILL. TAPABORI P.S. AND
REVENUE CIRCLE HAJO DIST. KAMRUP ASSAM PIN- 781102
PRESENTLY RESIDING AT NO. 1 DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)

42: HALIMA KHATUN
W/O. CHARHAB ALI ORIGINALLY RESIDED AT VILL. GAOBURAH PAM
P.S. AND REVENUE CIRCLE HAJO
DIST. KAMRUP ASSAM PIN- 781102 PRESENTLY RESIDING AT NO. 1
DOKANIA (RESERVE)
P.S. AND REVENUE CIRCLE- HAJO
DIST. KAMRUP (ASSAM)
VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI -781006

2:THE DEPUTY COMMISSIONER
KAMRUP DISTRICT
ASSAM- 781031

3:THE CIRCLE OFFICER
HAJO REVENUE CIRCLE
KAMRUP DISTRICT
ASSAM 781102.

4:THE SUPERINTENDENT OF POLICE

KAMRUP DISTRICT
ASSAM 781031

5:THE OFFICER IN CHARGE
HAJO POLICE STATION
DIST- KAMRUP
ASSAM-781102

Advocate for : MR. A R BHUYAN
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.02.2026

Heard Shri A.R. Bhuyan, learned counsel for the petitioners. Also heard Shri N. Das, learned State Counsel and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department.

2. The petitioners, who are 42 in numbers, are aggrieved by the notice dated 26.12.2025 whereby they have been directed to vacate the land under their possession. It is projected that the petitioners landless and erosion affected persons who are continuous possession of the said land from a long period of time. It is also contended that as per the Land Policy, 2019 of the State, the petitioners are entitled for settlement of land. However, in stead of considering the aspect of settlement of land in favour of the petitioners, the impugned notice 26.12.2025 has been issued.

3. Shri Bhuyan, learned counsel for the petitioners has submitted that by virtue of being in possession of the land in question for a long period of time, a right has accrued to the petitioners to get settlement. He has also relied upon the Land Policy, 2019. He has also relied on a decision of the Hon'ble Supreme

Court reported in 2024 SCC OnLine SC 3291 [***In Re: Directions in the matter of demolition of structure judgment***].

4. ShriDas, learned State Counsel has, on the other hand, submitted that the area in question is PGR land and therefore, the same is required to be made encroachment free on a priority basis. He has also submitted that no indefensible right accrues on a person for allotment of land and in any case, PGR land cannot be settled. In this connection, he has relied upon the case of ***Jagpal Singh & Ors. Vs. State of Punjab & Ors.***, reported in **(2011) 11 SCC 396** in which the Hon'ble Supreme Court has clearly laid down that the PGR land is community land which cannot be allotted and should be made encroachment free.

5. Ms. Mahanta, learned Standing Counsel, Revenue Department, Assam, has disputed the factual proposition portrayed by the petitioners and has endorsed the submissions of the learned State Counsel.

6. The Hon'ble Supreme Court in the aforesaid case of ***Jagpal Singh & Ors.*** (*supra*), has made the following observations:

“23. Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/ poramboke/shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such

illegal occupant, after giving him a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases e.g. where lease has been granted under some government notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

7. In view of the categorial direction of the Hon'ble Supreme Court laid down in respect of PGR/ VGR land, this Court is of the opinion that no relief can be granted to the petitioners. The case of ***In Re: Directions in the matter of demolition of structure judgment*** (supra) relied upon by the petitioners is clearly distinguishable on facts as the same relates to the demolition of houses of accused / undertrials / convicts whereas the instant case is concerning a larger public interest of making VGR / PGR free from encroachment.

8. The Assam Land and Revenue Regulation, 1886 along with the Rules framed thereunder has clearly laid down the provisions for making PGR / Khas land free from encroachment by carrying out eviction. The said issue has been dealt with by a Division Bench of this Court in the case of ***Md. Salak Uddin Vs. State of Assam*** reported in ***2024 (4) GLT 857*** wherein the following observations have been made:

63. We further find it very pertinent herein to observe that taking into account Rule 18 of the Settlement Rules which deals with all kinds of lands post 1997 Amendment, the bonafide claim of right involved may be

different in all such cases. In the case of Government khas land or waste land, an occupant/possessor may have a bonafide claim of right involved to claim settlement over the land on the basis of the Settlement Rules and extant Land Policy of the Government of Assam. In respect to other lands i.e. lands previously reserved for roads or roadside lands, or for grazing of village cattle or for other public purposes or the occupant had entered into possession of land from which he has been excluded by general or special order such lands are outside the purview of settlement. There is a complete bar in respect to granting settlements pertaining to lands reserved for roads or roadside lands or for grazing of village cattle. As regards land previously reserved for public purposes, it is outside the scheme of granting settlement. Under such circumstances, the question arises as to whether there is a requirement of issuance of any notice for adjudging as to whether there is a bonafide claim of right involved. In our opinion there might be various situations wherein there may be question of disputes pertaining to the boundary or there may be disputes pertaining to reservations or dereservation for grazing of village cattle or for that matter, there may be a dispute that the persons who have been granted the settlement in respect of a land even prior to being previously reserved for public purposes. The above examples are illustrative and there might be varied circumstances depending on situational variations. Under such circumstances, issuance of a notice in the opinion of this Court to form the subjective satisfaction would be inconsonance with the principles of natural justice and just fair, transparent procedure which are facets of Article 14, 19 and 21 of the Constitution.”

9. In the conspectus of the aforesaid discussion, it is provided that following the principles laid down by the Hon'ble Division Bench in the case of ***Salak Uddin*** (supra), 10(ten) days further time be granted from today to the petitioners to submit their replies to the notice dated 26.12.2025 and if the same is done within the aforesaid period, the replies are required to be considered in accordance with law. If the replies are found to be unsatisfactory and the eviction process is upheld, further period of 15(fifteen) days be given to the petitioners to vacate the premises from the date of such order. If within this period of 15(fifteen) days, the land is not vacated, the respondent authorities may take all necessary steps to remove the encroachment.

10. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant