

GAHC010005492026



2026:GAU-AS:1940

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

Case No. : WP(C)/742/2026

SK ABDULLA AND 45 ORS.
S/O- SAINUDDIN AHMED

2: SOHID ALI
S/O- JAHAN UDDIN SHEIKH

3: MOHIDUL ISLAM
S/O- JAHAN UDDIN

4: SUKUR ALI
S/O- SATTAR ALI

5: SAHANUR ISLAM
S/O- AYNAL HOQUE

6: OSMAN ALI
S/O- ABDUL SHEIKH

7: SAHID JAMAL
S/O- BELLAL ALI

8: AMINUR ISLAM
S/O- AYNAL HOQUE

9: AZAD ALI
S/O- AYNAL HOQUE

10: ABDUL SAFUR
S/O- AJGAR ALI

11: FOJOR ALI
S/O- TAHAR ALI

12: JAHIRON NESSA

W/O- YOUSUF ALI SK

13: ABIYA BIBI
S/O- ISMAIL HUSSAIN

14: ABU TAHER ALI
S/O- INSAB ALI

15: KAHURA BIBI
W/O- IMAN ALI

16: SARIFUN NESSA
W/O- INCHAN ALI

17: KISHMOT ALI
S/O- INCHAN ALI

18: HAKIM ALI
S/O- MANNAF ALI

19: AMBIA KHATUN
W/O- MOYNAL HOQUE

20: HASHMOT ALI
S/O- MANNAF ALI

21: MEHER ALI
S/O- INCHAN ALI

22: ESAB ALI
S/O- RASHID ALI

23: SADDAM HUSSAIN
S/O- ABDUL ROSHID

24: CHANDRABHANU BIBI
W/O- ABUL HUSSAIN

25: TAHAJ UDDIN
S/O- INCHAB ALI

26: CHANEKA BIBI
W/O- NURMOHAMMAD ALI

27: AMINUL ALI
S/O- YOUSUF ALI SHEIKH

28: AMIR ALI

S/O- SHAJAHAN
ALI

29: ABU CHAYED ALI
S/O- INACHAW ALI

30: JAHIRUL ISLAM
S/O- BAREK ALI

31: ABU KALAM
S/O- INCHAB ALI

32: JIAYARUL HOQUE
S/O- AZIZUL HOQUE

33: ASADUL HOQUE
S/O- AZIZUL HOQUE

34: SOMIR ALI
S/O- SAHAJAHAN ALI

35: ROFIQUL ISLAM
S/O- BELLAL HUSSAIN

36: YOUSOF ALI
S/O- BAHEJ ALI

37: JAHANARA BIBI
W/O- SUKUR ALI

38: HAMED ALI
S/O- BELLAL ALI

39: SAFER ALI
S/O- ASMAT ALI

40: ANOWARA BIBI
S/O- ISMAIL HUSSAIN

41: AFSAR ALI
S/O- ISMAIL HUSSAIN

42: ABDUL BAREK
S/O- FAZAR ALI

43: ANSER ALI
S/O- FAZAR ALI

44: JOYNUDDIN SHEIKH
S/O- SOBUR ALI

45: JOSHNOT ALI
S/O- INCHAN ALI

46: TOFIZ ALI
S/O- ABUL HUSSAIN

ALL ARE R/O- VILL- JOMDUAR PART -I
P.O- HAKAMA
P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT, DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
PIN-783301

3:THE CIRCLE OFFICER
BILASIPARA REVENUR CIRCLE
P.O- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

4:THE COMMISSIONER OF BILASIPARA CO-DISTRICT
P.O- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-78334

For the Petitioner(s) : Mr. M.A. Sheikh, Advocate

For the Respondent(s) : Mr. B.J. Talukdar, Sr. Govt. Advocate
Ms. P.R. Phukan, Standing Counsel
Mr. P.K. Medhi, Govt. Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.02.2026

Heard Mr. M.A. Sheikh, the learned counsel appearing on behalf of the petitioners. Ms. P.R. Phukan, the learned Standing Counsel appears on behalf of the respondent No. 1 and Mr. B.J. Talukdar, the learned Senior Government Advocate assisted by Mr. P.K. Medhi, the learned Government Advocate appears on behalf of the respondent Nos. 2 to 4.

2. Taking into account the grievance of the petitioners, the instant writ petition is taken up for disposal at the Motion stage itself.

3. The case of the petitioners herein is that their predecessors-in-interest have been in continuous possession of the lands presently under the occupation of the petitioners for the last 50 (fifty) years. The 46 (forty six) petitioners herein have filed individual applications seeking allotment of the said lands. It is noticed that the said applications were filed in the years 2023, 2024 and 2025 respectively. The lands under their respective possession are described in detail in Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, A1, A2,

A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19 and A20 respectively to the instant writ petition.

4. It is the further case of the petitioners that though the said applications are pending consideration but on 04.01.2026, the petitioners have been threatened with eviction. Apprehending that they may be evicted without following the procedure established by law, the petitioners have approached this Court by filing the present writ petition.

5. It is no longer *res integra* that if the land in question is a Government land, the Government can evict the occupants by following the procedure established by law. This aspect has been duly dealt with by the learned Division Bench of this Court in the case of ***Md. Salak Uddin Vs. State of Assam & Others*** reported in ***(2024) SCC OnLine Gau 921***.

6. Taking into account the above, this Court observes that if the petitioners are to be evicted from the lands in question as described in Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19 and A20 respectively, the respondents herein shall follow the procedure established by law as well as the mandate laid down by the learned Division Bench of this Court in the case of ***Md. Salak***

Uddin (supra).

7. With the above, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant