

GAHC010006122026



2026:GAU-AS:1930

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

Case No. : WP(C)/682/2026

ABDUL AZIZ
S/O ANOWAR HOSSAIN
RESIDENT OF VILLAGE JOMDUWAR PART I, PO HAKAMA PS BILASIPARA,
DIST DHUBRI, ASSAM, 783348

2: ANICHA BEGUM
W/O KAHINUR ALI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
783348

3: RABIA KHATUN
W/O ANOWAR ALI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
783348

4: NUJMAL HOQUE

S/O KAMAL DEWANI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
783348

5: HAZRAT ALI

S/O KAMAL DEWANI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
783348

6: NURUL ISLAM
S/O KAMAL DEWANI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
783348

7: SHAN IDUL ISLAM
S/O ANOWAR ALI

RESIDENT OF VILLAGE JOMDUWAR PART I
PO HAKAMA PS BILASIPARA
DIST DHUBRI
ASSAM
78334

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER BRSECRETARY TO THE
GOVERNMENT OF ASSAM,BRREVENUE AND DISASTER
MANAGEMENT,DEPARTMENT, DISPUR, GUWAHATI -06.

2:THE DISTRICT COMMISSIONER OF DHUBRI

DISTRICT DHUBRI
ASSAM
783301

3:THE CIRCLE OFFICER

CHAPAR REVENUE CIRCLE
PO CHAPAR
DIST DHUBRI
ASSAM 783371

4:THE COMMISSIONER OF BILASIPARA CO DISTRICT

PO BILASIPARA
DIST DHUBRI
ASSAM
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 7 (seven) petitioners herein have filed

individual applications seeking allotment of the said lands. It is noticed that the said applications were filed in the year 2025. The lands under their respective possession are described in detail in Schedules A, B, C, D, E, F and G 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 05.01.2026, 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 and G, 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