

GAHC010008402026



2026:GAU-AS:2957

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

Case No. : WP(C)/290/2026

DULAL ALI AND 118 ORS
S/O BODIUD ZAMAN

2: SAHARIF UDDIN
S/O. A. KADER ALI

3: HANIF ALI
S/O. RASTOM ALI

4: JULMOT ALI
S/O. LATE RAHAM ALI

5: HAKIM ALI
S/O.SAMAD ALI

6: MOUN UDDIN
S/O. LATE PASU SHEIKH

7: A. RASID ALI
S/O. LATE GOFAR ALI

8: BAKKA ALI
S/O. LATE NOSAD ALI

9: MIRU ALI
S/O. LATE NOSAD ALI

10: MOJID ALI
S/O. LATE SABDUL ALI

11: ABED ALI
S/O. LATE SAMSHER ALI

12: RASUL ALI

S/O. LATE BAHES ALI

13: ASUR UDDIN
S/O. LATE ALA UDDIN

14: FARMAN ALI
S/O. LATE RAHAM ALI

15: SAMSUL HAQUE
S/O. LATE MABARAK ALI

16: SAMAD ALI
S/O. MANNAN ALI

17: GIYAS UDDIN
S/O. LATE RAHMAN ALI

18: AKKASH ALI
S/O. LATE AJIET ALI

19: MOHIM ALI
S/O. LATE NUR AKMAN

20: A. RAHMAN
S/O. LATE JAHER ALI

21: ALAL ALI
S/O. LATE TALEB ALI

22: KARIM ALI
S/O. LATE JUBBAR ALI

23: JAMIDAR ALI
S/O. LATE JUBBAR ALI

24: SANIDUL HAQUE
S/O. SAMSUL HAQUE

25: ANISUL ALI

S/O. DULU UDDIN

26: SAJIRAN KHATUN
W/O. MAINUL HAQUE

27: SAIJUDDIN
S/O. LATE SADAR MALLICK

28: KANSU ALI
S/O. LATE RAIJUDDIN

29: RUPSAN ALI
S/O. FAJOR MANDAL

30: ALI AKBAR
S/O. LATE JAHER ALI

31: SADDIM HUSSAIN
S/O. DUL UDDIN

32: TAIJUDDIN
S/O. LATE MIRU

33: SALEHA KHATUN
W/O. LATE SUDOR MALLICK

34: SAH ALI
S/O. LATE SUDOR MALLICK

35: JURAN ALI
S/O. LATE NOSAD ALI

36: ASHRAF ALI
S/O. LATE NOSAD ALI

37: SHAR ALI
S/O. LATE ABDUL

38: IDRISH ALI
S/O. AKBBAR ALI

39: JANPA KHATUN
W/O. KURPAN

40: ABIN HAQUE
S/O. MOJIBOR RAHMAN

41: MATIBOR RAHMAN
S/O. SABI MALLICK

42: JIYAUL HAQUE
S/O. FULSAN ALI

43: .RASID ALI
S/O. LATE SADU SHEIKH

44: SIDDIK ALI
S/O.LATE JAHER ALI

45: RAHIJ UDDIN SK
S/O.LATE SADU SHEIKH

46: FARBESH ALI
S/O.FAJOR ALI

47: SALAM ALI
S/O.LATE SATTAR ALI

48: SAN MIYA
S/O.LATE HAMED ALI

49: KASHEM ALI
S/O.LATE SAMSUL HAQUE

50: MANNAF ALI
S/O.LATE JURAM ALI

51: NUR MAHAMMAD
S/O.LATE HANIF ALI

52: NISHAN ALI
S/O.LATE JAHUR UDDIN

53: SARBESH ALI
S/O.SUBHAN ALI

54: AINAL HAQUE
S/O.SURAT ALI

55: SAN MIYA
S/O.LATE HANIF ALI

56: HASEN ALI
S/O.SAN MIYA

57: TAHER ALI
S/O.GIYAS UDDIN

58: AJGAR ALI
S/O.ALA UDDIN

59: NUR MAHAMMAD
S/O.LATE JINNAT ALI

60: SAJAMAL

S/O.SAN MIYA

61: TAYM ALI

S/O. LATE NUR AKMAN

62: SAJAHAN ALI

S/O.SAN MIYA

63: AJER ALI

S/O. UR MAHAMMAD

64: SUKUR ALI

S/O. SAN MIYA

65: RAHAM ALI

S/O. LATE SAYED ALI

66: JAMAL ALI

S/O. LATE RAJU MUNISI

67: RASHID ALI

S/O. SUKRA ALI

68: JAKIR HUSSAIN

S/O .KUDDIS ALI

69: SARBESH ALI

S/O .LATE JINNAT ALI

70: TAIJUDDIN

S/O. LATE TALEB ALI

71: ASHRAF ALI

S/O .AJIT ALI

72: BADSHA ALI

S/O .LATE BILLAL ALI

73: MAKSHED ALI

S/O .LATE AMJAD ALI

74: SURMAN ALI

S/O .LATE AHAB ALI

75: SALAM ALI

S/O .LATE NURUL HAQUE

76: KDDUS ALI

S/O. LATE ANSER ALI

77: ASUR UDDIN

S/O .LATE HASU SHEIKH

78: JALIL ALI

S/O .LATE AMJAD ALI

79: JULHAS ALI

S/O .KDDUS ALI

80: FORIDA KHATUN

W/O .KERAMAT ALI

81: USHANI KHATUN

W/O .LATE SAYED ALI

82: SHAR ALI

S/O .LATE HABIBOR RAHMAN

83: SANDESH ALI

S/O .LATE HASU ALI

84: A. RASHID

S/O .LATE SAMSER ALI

85: SAMAD ALI

S/O .LATE RIYAJ FAKIR

86: RAHIM BADSAH

S/O. LATE JINNAT ALI

87: NEKJAN BIBI

W/O. LATE KASEM ALI

88: BEILA KHATUN

W/O.MESER ALI

89: SABER ALI

W/O. SATTAR ALI

90: LATIF ALI

S/O.A. KADER ALI

91: AMAR ALI
S/O.KDDUS ALI

92: KANSON ALI
S/O.KABOM ALI

93: FAJULI BIBI
S/O.LATE SHABDUL ALI

94: MAHAR ALI
S/O.LATE HABIBOR RAHMAN

95: RAFIKUL ISLAM
S/O.LATE HABIBOR RAHMAN

96: SUKURJAN BIBI
W/O.AHAR ALI

97: MAMATA BEGUM
W/O.AKKAS ALI

98: ASUR UDDIN
S/O.LATE NAJIM UDDIN

99: BAKTAR ALI
S/O.JUBBAR ALI

100: ANAR ALI
S/O.KADDUS ALI

101: REZZAK ALI
S/O.LATE MIRU SEKH

102: FULJAN ALI
S/O.LATE JUBBAR ALI

103: FORID ALI
S/O.LATE AIJODDIN

104: MAJAM ALI
S/O.LATE DUDU SEKH

105: SANBOR ALI
S/O.LATE NUR AKMAN

106: . SADEK ALI
S/O.JAFOR ALI

107: JAFOR ALI

S/O.LATE PIYAR ALI

108: ISLAM UDDIN

S/O.KURPAN ALI

109: MOJIBAR RAHMAN

S/O.LATE KUDDUS ALI

110: JAIGON BIBI

W/O.TAMSER ALI

111: HATIM ALI

S/O.LATE TALEB ALI

112: IDDIS ALI

S/O.MOJIT ALI

113: RAMESH ALI

S/O.LATE JOBAN ALI

114: RAJAB ALI

S/O.BADSHA ALI

115: SAGAR ALI

S/O.LATE SATTAR ALI

116: RAFIK ALI

S/O.NUR ISLAM

117: BINU ALI

s/O.LT. MARFOT ALI

118: IKRAMUL

S/O.KAMAR UDDIN

119: SAINUR

S/O.SAN MIYA

ALL ARE RESIDING AT VILLAGE- NO.4 DOKONIYA

P.S. HAJO

DISTRICT- KAMRUP

ASSAM

PIN-78110

VERSUS

THE STATE OF ASSAM AND 2 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI- 06

2:THE DISTRICT COMMISSIONER
KAMRUP DISTRICT
AMINGAON
P.S.NORTH GUWAHATI
DISTRICT-KAMRUP
ASSAM
PIN-

3:THE CIRCLE OFFICER
HAJO REVENUE CIRCLE
P.O. AND P.S.HAJO
DIST-KAMRUP
ASSAM PIN-78110

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

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.02.2026

Heard Shri M.A. Sheikh, 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 119 in numbers, are aggrieved by the notice dated 20.12.2025 whereby they have been directed to vacate the land under their possession. It is projected that the predecessors in interest of the petitioners are in continuous possession of the said land from before "01.01.1900". The petitioners have constructed dwelling homes and raised cultivation. The State Government had adopted a procedure for settlement of land to landless persons vide notification dated 11.11.2022 in respect of

which, the petitioners had applied online for which acknowledgment dated 29.03.2023 was issued. However, in stead of considering the said applications, the impugned notice have been issued.

3. Shri Sheikh, 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.

4. ShriDas, learned State Counsel has, on the other hand, submitted that the area in question is VGR 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, VGR 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 VGR 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. Shri Sheikh, the learned counsel for the petitioners in his rejoinder, has however submitted that in the case of ***Jagpal Singh & Ors.*** (*supra*), there is no observation that the direction would be retrospective in nature.

7. 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."

8. In view of the aforesaid provision of law which has been laid down by the Hon'ble Supreme Court, the submission of Shri Sheikh that the directions would not be applicable to the instant case is not countenanced.

9. However, there is another aspect of the matter which is required to be clarified. The impugned notice dated 20.12.2025 as such does not reveal that the land in question is VGR / PGR land. The only mention is that the land in question is Government Khas land. The notice further stipulates the application of Rule 18(2) of the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886.

10. The issue of eviction under the aforesaid Rules 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.”

11. 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 20.12.2025 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.

12. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant