

GAHC010008652026



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

Case No. : WP(C)/280/2026

ISMAIL HUSSAIN AND 12 ORS
S/O RAHM ALI, R/O VILL AND P.O.- BALAPARA, P.S.- JOGIGOPA, DISTRICT-
BONGAIGAON, PIN- 783388

2: ANOWAR HUSSAIN
S/O LT MOJIBAR RAHMAN
R/O VILL AND P.O.- BALAPARA
P.S.- JOGIGOPA
DISTRICT BONGAIGAON
PIN 783388

3: ASHAN
S/O LT MOJID ALI
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S.- JOGIGOPA
DIST BONGAIGAON
PIN 783388

4: MOHIBUL HOQUE
S/O LT JAMSER ALI
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

5: A. SALAM
S/O LT AHMOD ALI
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

6: MOFIDUL ISLAM
S/O AYNAL HOQUE
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

7: RASID ALI
S/O KHEJMOT
R/O VILL KOREA PAHAR
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

8: AMIR HUSSAIN
S/O LT FALU SK
R/O VILL KOREA PAHAR
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

9: MIZANUR RAHMAN
S/O KASEM ALI
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

10: AMIR ALI
S/O LT AKBOR ALI
R/O VILL KOREA PAHAR
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

11: JELHOQUE
S/O KOMOR ALI
R/O VILL BHARAL KUNDI BEEL
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

12: IMAN ALI
S/O ENNOS ALI
R/O VILL KOREA PAHAR
P.O. A.P. MILL
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 783388

13: HASANUL ISLAM MOLLAH
S/O LT JELAL UDDIN MOLLAH
R/O VILL CHALANTA PARA PT IV
P.O. CHALANTA PARA
P.S. JOGIGOPA
DIST BONGAIGAON
PIN 78338

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY- 06

2:THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY- 06

3:THE DISTRICT COMMISSIONER
BONGAIGAON
ASSAM
PIN 783380

4:THE CIRCLE OFFICER
BOITHAMARI REVENUE CIRCLE
DIST BONGAIGAON
ASSAM
PIN 78338

Advocate for the Petitioner : MR. M U MONDAL, A A AHMED,MR K ISLAM,MR. A W
MONDAL,MR A ALIM SK

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

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

22.01.2026

Heard Mr. M.U. Mondal, learned counsel for the petitioners. Also heard Mr. J. Handique, learned Government Advocate for the State respondents.

2. The petitioners claim to be the tenants of Gita Ray Sarkar who is a pattadar of land measuring 7 bighas covered by Patta No. 38 of Dag No.148 of village Koreya Pahar under Boitamari Revenue Circle in the district of Bongaigaon. According to the petitioners the part of the land measuring two bighas are under their possessions and over the said land various business establishments have been constructed including grocery shop as tenants of the pattadar. The petitioners are being paid their monthly rent to the pattadar in terms of the agreement. The petitioners are aggrieved by notice dated 08.01.2026, whereby Circle Officer, Boitamari Revenue Circle had served eviction notice on the petitioners asking them to evict the schedule land on or before 23.01.2026 otherwise the petitioners would be evicted from the said land covered by Dag No. 150. According to the petitioners their establishments are on the plot of land covered by Dag No.148 and not on the plot of land covered by Dag No.150, under such circumstances the petitioners are approached this Court apprehending that notwithstanding the eviction notice being issued showing the land particulars as Dag No.150 on which eviction is sought to be carried out, the authorities may proceed to evict the petitioners who are the tenants of the land covered by Dag No. 148.

3. Mr. J. Handique, learned Government Advocate for the State of Assam was

permitted to complete his instruction on 20.01.2026 and the matter was directed to be listed today.

4. Today when the matter is listed Mr. J. Handique, learned Government Advocate on instructions submits that the authorities are proceeding to evict the unauthorized occupants from the land covered by Dag No. 150 as per the notice and therefore, the petitioner's apprehension is without any basis.

5. Mr. M.U. Mondal, learned counsel for the petitioners on the other hand submits that if the authorities do not proceed to evict the petitioners who are tenants in the land covered by Dag No.148 then their interest are well taken care of.

6. Considering the submissions made at the Bar and upon perusal of the writ petition as well as the notice dated 08.01.2026, it is seen that the notice is addressed to the persons asking them to evict the Government Khash land covered by Dag No.150 at Village Koreya Pahar. The petitioners admittedly are not the occupants of land covered by Dag No. 150 and the notice is also not in respect of eviction of unauthorized occupants from the land covered by Dag No. 148 on which the writ petitioners claimed to be under their occupations. In such view of the matter the Court is of the considered view that the writ petition be closed at this stage directing the respondent authorities to strictly proceed in terms of the notice dated 08.01.2026 as per the provision of law in respect of land covered by Dag No. 150 at village Koreya Pahar. The authorities will ensure that the occupants of any other dag number other than the Dag No.150 which is claimed to be the Government Khash land shall not be evicted without due

process of law.

7. Accordingly, this writ petition disposed of.

JUDGE

Comparing Assistant