

GAHC010010482026



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

Case No. : WP(C)/501/2026

INDIAN TEA ASSOCIATION
THROUGH ITS SECRETARY GENERAL, MR ARIJIT RAHA,
HAVING ITS REGISTERED OFFICE AT 6, NETAJI SUBHAS ROAD,
KOLKATA 700 001, WEST BENGAL
AND REGIONAL OFFICE AT 295, MOTHER TERESA ROAD,
P.O.- ZOO ROAD, P.S.- GEETANAGAR,
GUWAHATI781024, ASSAM.

VERSUS

1.THE STATE OF ASSAM AND ANR
THROUGH THE MINISTRY OF REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, ASSAM SECRETARIAT CIVIL,
DISPUR, GUWAHATI, PIN-781006, ASSAM.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
DEPARTMENT ASSAM SECRETARIAT CIVIL
DISPUR GUWAHATI PIN-781006 ASSAM

For the Petitioner(s) : Mr. K.N. Choudhury, Senior Advocate assisted by Mr. D.J. Das, Mr. S. Katakey, Mr. A. Bajaj and Ms. P. Banerjee, Advocates.

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam assisted by Mr. R. Borpujari Standing Counsel, Revenue Department.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

04.02.2026

(Ashutosh Kumar, CJ)

We have heard Mr. K.N. Choudhury, learned Senior Advocate for the petitioner/Association and Mr. D. Saikia, learned Advocate General, Assam assisted by Mr. R. Borpujari, learned Standing Counsel, Revenue Department.

This writ petition has been filed by the Indian Tea Association/petitioner, a registered Society established in 1880s and representing over 166 tea-producing companies across India and 98 in Assam.

The contention of the petitioner/Association is that it employs over 7 lakh workers nationwide with more than 2.5 lakh resident labourers in Assam's tea plantation, who live on the estates with their families and receive housing and welfare facilities.

By the present petition, the petitioner/ Association has challenged the Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 2025 (impugned legislation) and the accompanying Assam Fixation of Ceiling on Land Holdings (Amendment) Rules, 2025 (impugned Rules), enacted by the State of Assam in its Revenue Department.

By virtue of the amendment in the original Act, viz. Assam

Fixation of Ceiling on Land Holdings Act, 1956 (Principal Act), "labour lines" have been excluded from the definition of "ancillary purposes" to tea cultivation.

It has been argued that the amendment enables the State to acquire the lands, treat them as surplus and redistribute them to tea garden workers and the descendants of tea tribes upon payment of a premium.

The constitutionality of this amendment has been questioned primarily on the ground that "labour lines" are inseparable from tea estate operations. A tea-estate operation needs workforce on daily basis and without such "labour line", the entire functional integrity of tea production would be seriously impaired. Acquisition of such "labour lines" would cause troubles for the tea owning companies to make compliances with many Central Labour Laws. The owners also fear deprivation of their property, hitherto enjoyed, without fair compensation.

The learned Advocate General, Assam, however, expostulates that 90% of the tea garden owners in the first phase of its implementation, have acceded to the request of the Government and have practically raised no objection with respect to the amendment; enabling the State to acquire their lands with the avowed purposes of re-distributing it, with all the advantages to the tea tribes/plantation workers who are located in the area. He has further submitted that the economic inconvenience as projected by the petitioner/Association cannot invalidate a welfare-oriented law.

The Ceiling Laws are always within the authority of the law and many a times, it has been held in catena of decisions affirming the validity of Ceiling Laws that re-distribution, in case required, is central to social justice. Plantation exceptions are not absolute and that this is a policy decision and not a constitutional one.

Countering the afore-noted arguments, Mr. K.N. Choudhury, learned Senior Advocate for the petitioner/Association has argued that the locus of the petitioner cannot be challenged as they are the representatives of the majority of the tea growers, having been elected as the Association with compulsory membership of all tea growers.

Mr. Choudhury submits that till the time the matter is finally heard, the operation of the impugned legislation be put in abeyance. He further submits that such interlocutory order would be necessary for preserving their *status-quo* regarding the rights of the petitioner as tea plantation owners so that this proceeding does not become infructuous by any unilateral overt act by the State during its pendency. There is possibility of land-slide changes in the meantime, rendering the present proceeding ineffective and infructuous.

Mr. Choudhury has referred to the decision of the Supreme Court rendered in ***Kihoto Hollohan -vs- Zachillhu & Ors. :: 1992 Supp (2) SCC 651.***

The learned Advocate General, Assam, however, has submitted that Section 17A having been inserted in the Principal Act by virtue of the amendment, to a large extent, renders the apprehension of the petitioner illusory.

The amendment clarifies that the Government, after acquiring lands in “labour lines” under Section 7A would have no fetters of its powers to give settlement on such lands to tea garden workers residing and in occupation of such lands; the lands acquired under Section 7A shall remain heritable, but shall remain non-transferrable by way of sale, lease, gift or any other form of alienation for 20 years or as notified by the Government from time to time; the sale, transfer, lease, gift or alienation of such land, after the expiry of the period of 20 years or as notified by the Government from time to time, shall be permissible only in favour of a tea garden worker as defined in the Act and residing in the same tea estate.

With these fail-safe provisions, the learned Advocate General contends that the functional integrity of a tea estate would not be adversely affected. Rather, it will only ensure permanence but only if it is looked at from the prism of social welfare in favour of the tea tribes who are residents in such labour lines.

The issue requires consideration.

Let counter affidavit on behalf of the State be filed positively by the next date.

The operation of a legislation is normally not stayed.

In ***Deoraj –vs- State of Maharashtra & Ors. :: (2004) 4 SCC 697***, the Supreme Court has explained the circumstances under which an *interim* relief could be granted, which read as follows:

“Situations emerge where the granting of an interim relief would tantamount to granting the final relief itself. And then there may be converse cases where withholding of an interim relief would tantamount to dismissal of

main petition itself; for, by the time the main matter comes up for hearing there would be nothing left to be allowed as relief to the petitioner though all the findings may be in his favour. In such cases the availability of a very strong prima facie case - of a standard much higher than just prima facie case, the considerations of balance of convenience and irreparable injury forcefully tilting the balance of the case totally in favour of the applicant may persuade the court to grant an interim relief though it amounts to granting the final relief itself. Of course, such would be rare and exceptional cases. The Court would grant such an interim relief only if satisfied that withholding of it would prick the conscience of the Court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end the Court would not be able to vindicate the cause of justice. Obviously such would be rare cases accompanied by compelling circumstances, where the injury complained of is immediate and pressing and would cause extreme hardship. The conduct of the parties shall also have to be seen and the court may put the parties on such terms as may be prudent.”

The present litigation does not fall in such category of rare cases accompanied by the compelling circumstances, where the injury complained of is immediate and pressing.

All that we can say at this stage is that any final action taken pursuant to the impugned legislation shall, however, be subject to the outcome of this writ petition.

Re-notify on **26.03.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant