

GAHC010017142025



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

Case No. : WP(C)/443/2025

KASHIM ALI @ KASHEM ALI AND 2 ORS
S/O- LATE KOSIR UDDIN SK, R/O- VILL.- MADHUSOULMARI, P.O.
KHUDIMARI, P.S. GAURIPUR, DIST. DHUBRI, ASSAM, PIN- 783331.

2: HAMIDUR RAHMAN
S/O- LATE NUR JAMAL SK
R/O- VILL.- MADHUSOULMARI
P.O. KHUDIMARI
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783331.

3: SHAHA ALAM PRODHANAI @ SHAHA ALAM
S/O- KASHIM ALI @ KASHEM ALI
R/O- VILL.- MADHUSOULMARI
P.O. KHUDIMARI
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783331

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR,
GUWAHATI-06.

2: THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
P.O.
P.S. AND DIST. DHUBRI

ASSAM
PIN- 783301.

3:THE SETTLEMENT OFFICER
DHUBRI
ASSAM
P.O.
P.S. AND DIST. DHUBRI
ASSAM
PIN- 783301.

4:THE ASSISTANT SETTLEMENT OFFICER
GOLAKGANJ
GOLAKGANJ REVENUE CIRCLE
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783331.

5:THE CIRCLE OFFICER
GAURIPUR REVENUE CIRCLE
DHUBRI
P.O. AND P.S. DHUBRI
DIST. DHUBRI
ASSAM
PIN- 783301.

6:THE ASSAM BOARD OF REVENUE
REPRESENTED BY ITS SECRETARY
PANBAZAR
GUWAHATI-01.

7:PRABIR COOMAR BARUA
S/O- LATE PRAKRITISH CHANDRA BARUA
R/O- GAURIPUR TOWN
WARD NO. 2
MATIABAGH
P.O. AND P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783331.

8:PRADYUT BARUA
S/O- LATE PRAKRITISH CHANDRA BARUA
R/O- GAURIPUR TOWN
WARD NO. 2
MATIABAGH
P.O. AND P.S. GAURIPUR

DIST. DHUBRI
ASSAM
PIN- 783331.

9:PRITAM COOMAR BARUA
S/O- LATE PRAKRITISH CHANDRA BARUA
R/O- BYE LANE NO. 2
LAKHIMI NAGAR
JORHAT WEST
JORHAT RESEARCH LABORATORY
ASSAM
DIST. JORHAT
ASSAM
PIN- 785006.

10:SMTI PARBATI BARUA
D/O- LATE PRAKRITISH CHANDRA BARUA
R/O- HOUSE NO. 28
BYE LANE NO. 6
WEST PUB SARANIA
P.O. SILPUKHURI
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781003.

11:SMTI PRANATI PHOOKAN @ PRANATI BARUA
D/O- LATE PRAKRITISH CHANDRA BARUA
W/O- LATE DOUGLAS ARTHUR PHOOKAN
R/O- HOUSE NO. 28
BYE LANE NO. 6
WEST PUB SARANIA
P.O. SILPUKHURI
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781003

Advocate for the Petitioner : MR. M HUSSAIN, MR. R I MONDAL,MR A.K. MOLLAH

Advocate for the Respondent : GA, ASSAM, SC, REVENUE,MR. C CHAKRAVARTY(R-7,9,10,11),MR. JAYANTA ROY(R-7,9,10,11),MR D DAS(R-7,10,11),MR B P SARMAH(R-7,9,10,11),B SAHA (R-7,9,10,11),MR. C CHAKRAVARTY,MR. JYOTIRMOY ROY,MR B P SARMAH,S J KALITA (R-8),B SAHA (R-8),MR. JAYANTA ROY (R-8),MR. C CHAKRAVARTY (R-8),FOR CAVEATOR,MR B P SARMAH (R-8)

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 05.02.2025

Heard Mr. D. Das, learned Senior Counsel assisted by Mr. M. Hussain, learned counsel for the petitioners; Ms. J. Handique, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 2, 3, 4 & 5; and Mr. J. Roy, learned Senior Counsel assisted by Mr. P.P. Sharma, learned counsel for the respondent nos. 7-11, who has appeared on the strength of a caveat filed by the respondent no. 8-caveator.

2. The learned counsel for the parties have submitted that the case of the petitioners is substantially similar to the case of the petitioners in W.P.[C] no. 344/2025. They have submitted that the only difference is that the petitioners in this writ petition are in occupation of Dag no. 31.

3. Mr. Das, learned Senior Counsel for the petitioners has submitted that by the Order dated 24.01.2025 passed in the writ petition, W.P.[C] no. 344/2025, an interim order has already been passed in respect of areas of land covered by Dag no. 27 and Dag no. 31. He has submitted that since the issue involved in this writ petition is substantially similar to the case of the petitioner in W.P.[C] no. 344/2025, a similar kind of interim relief be extended in the case of the present petitioners also.

4. Heard Mr. Roy, learned Senior Counsel for the respondent nos. 7-11 on the prayer for interim relief.

5. Issue notice, returnable on 07.03.2025.

6. As Ms. Handique, learned Standing Counsel, Revenue and Disaster Management Department has appeared and accepted notice on behalf of the respondent no. 1; Mr. Baruah, learned Junior Government Advocate has appeared and accepted notice on behalf of the respondent nos. 2, 3, 4 & 5; and Mr. Roy, learned Senior Counsel has appeared and accepted notice on behalf of the respondent nos. 7-11, no formal notices need to be issued to the said respondents. Mr. Hussain, learned counsel for the petitioners shall furnish requisite nos. of extra copies of the writ petitions along with the annexures to Ms. Handique, Mr. Baruah and Mr. Roy within 2 [two] working days from today.

7. This Court is of the considered view that, at this stage, there is no necessity to issue any notice to the respondent no. 6.

8. Having regard to the projection made in this writ petition and considering the issue involved in the writ petition, W.P.[C] no. 344/2025, it is ordered, as an ad-interim measure, that the operation of the Judgment and Order dated 07.01.2025 passed by the Assam Board of Revenue in 5RA[DBR][RVW]/2022 shall be kept in abeyance in so far as the areas of land, covered by Dag no. 27 and Dag no. 31 are concerned.

9. List the case on 07.03.2025 along with the writ petition, W.P.[C] no. 344/2025.

JUDGE

Comparing Assistant