

GAHC010026602026



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

Case No. : WP(C)/748/2026

MANOJ KR NATH AND 4 ORS
SON OF LATE PABITRA NATH, RESIDENT OF THE VILLAGE- BELORGURI,
PO- BANGORA, PS- AZARA, DISTRICT- KAMRUP, ASSAM, PIN- 781015

2: SRI PROMOD NATH
SON OF LATE PABITRA NATH
RESIDENT OF THE VILLAGE- BELORGURI
PO- BANGORA
PS- AZARA
DISTRICT- KAMRUP
ASSAM
PIN- 781015

3: SMTI DIPIKA KALITA
DAUGHTER OF LATE PABITRA NATH
RESIDENT OF THE VILLAGE- BELORGURI
PO- BANGORA
PS- AZARA
DISTRICT- KAMRUP
ASSAM
PIN- 781015

4: SRI MUKUL CH. NATH
SON OF LATE PABITRA NATH
RESIDENT OF THE VILLAGE- BELORGURI
PO- BANGORA
PS- AZARA
DISTRICT- KAMRUP
ASSAM
PIN- 781015

5: SRI DIGANTA NATH
SON OF LATE PABITRA NATH
RESIDENT OF THE VILLAGE- BELORGURI

PO- BANGORA
PS- AZARA
DISTRICT- KAMRUP
ASSAM
PIN- 78101

VERSUS

THE STATE OF ASSAM AND 13 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI- 781006, ASSAM

2:THE DISTRICT COMMISSIONER
KAMRUP (M)
LICHUBAGAN
HENGRABARI
GUWAHATI- 781036
ASSAM

3:THE DISTRICT COMMISSIONER
KAMRUP
AMINGAON
GUWAHATI- 781031
ASSAM

4:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
RAJAH BHAWAN
RUPNAGAR

GUWAHATI- 781032

5:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE
MIKIR PARA CHAKARDOI
AZARA
PO AND PS- AZARA
PIN- 781017
ASSAM

6:THE CIRCLE OFFICER
PALASHBARI REVENUE CIRCLE
MIRZA
KAMRUP
ASSAM
PIN- 781128

7:SMTI PRADIPI KANTA BARUAH
SON OF LATE NIKHIBUSHAN BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM
PIN- 781015

8:SRI DHARANIDHAR BARUAH
SON OF LATE NIKHIBUSHAN BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM
PIN- 781015

9:SRI RUPAM SANKAR BARUAH
SON OF LATE BHABEN CHANDRA BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM
PIN- 781015

10:SMTI PRATIMA DAS
DAUGHTER OF LATE BHABEN CHANDRA BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM
PIN- 781015

11:SMTI SUPARNA BARUAH DAS
DAUGHTER OF LATE BHABEN CHANDRA BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM

PIN- 781015

12:SRI BISWAJIT SANKKAR BARUAH
SON OF LATE BHABEN CHANDRA BARUAH
RESIDENT OF VILLAGE- BELORGURI
PO- BANGORA
P.S.- AZARA
DISTRICT- KAMRUP

ASSAM
PIN- 781015

13:THE COMMISSIONER OF POLICE
GUWAHATI
NERIPSTR NERIPSTR BUILDING
KHANAPARA
(NEAR SCIENCE MUSEUM
KHANAPARA)
GUWAHATI- 781022

14:THE OFFICER IN CHARGE
AZARA PS
AZARA
KAMRUP METRO
GUWAHATI- 78101

For the Petitioner(s) : Mr. A. Chamuah, Advocate

For the Respondent(s) : Mr. S. S. Roy, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

11.02.2026

Issue notice making it returnable on 27.02.2026.

2. Ms. P. R. Mahanta, the learned counsel accepts notice on behalf of the respondent No.1 and Mr. S. S. Roy, the learned counsel accepts notice on behalf of the respondent Nos.2 to 6

and 13 & 14. Accordingly, extra copies of the writ petition be served upon them by tomorrow, i.e. 12.02.2026.

3. As regards the respondent Nos.7 to 12, the petitioners shall take steps by way of speed post by tomorrow, i.e. 12.02.2026. In addition to that, the petitioners are given the liberty to take steps by way of dasti upon the respondent Nos.7 to 12 routed through the Registry of this Court and file an affidavit of service on or before the next date.

4. The case of the petitioners herein is that in pursuance to certain boundary dispute, the petitioners sought for a demarcation so that the boundary dispute with the private respondents herein could be resolved. However, to the shock and surprise of the petitioners, the respondent Nos.5 & 6 along the police officials from the Azara Police Station came over and evicted the petitioners from a portion of the petitioners' land.

5. Mr. A. Chamuah, the learned counsel appearing on behalf of the petitioners further submitted that as per the Assam Land and Revenue Regulation, 1886 as well as the Notifications which has been issued by the State Government, it is made clear that the duty of the revenue officials is only to show at the time of demarcation thereby indicating the land and nothing further. However, in the instant case, the said respondent authorities

have taken the law into their own hands and thereby dispossessed the petitioners. The learned counsel for the petitioners further submitted that the respondents have also put a thatched barricade, thereby prohibiting the petitioners' ingress and egress to their own land, and it is under such circumstances, the petitioners have been compelled to approach this Court.

6. Mr. A. Chamuah, the learned counsel for the petitioners further submitted that the respondent authorities not only dispossessed the petitioners, but also disconnected the electricity and it is only when the petitioners represented before the Chief Minister of Assam, the electricity connection was restored and a proceedings have been initiated by the Co-District Commissioner of Jalukbari Co-District. He further submitted that though the matter was fixed on 10.02.2026, but the matter could not be taken up and it was informed that another date would be fixed. He therefore submitted that certain interim directions may be passed so that the petitioners are in a position to ingress and egress to their land.

7. This Court enquired with the learned counsel appearing on behalf of the petitioners as to how the petitioners approached this Court by filing the writ affidavit, if their ingress and egress have been restrained from their home. He submitted that there is a narrow path which has been allowed and thereby the

petitioners could approach the lawyer.

8. Taking into account the above, this Court directs both the Deputy Commissioners, i.e. the respondent Nos.2 & 3 to file affidavit(s) in respect to the dispute in the instant case after taking inputs from the respondent Nos.5 & 6. The respondent Nos.13 & 14 shall also apprise this Court by way of instructions as to what steps have been taken as regards the FIR which was filed by the petitioners.

9. This Court further observes that without granting an opportunity to the respondent Nos.7 to 12, it would not be in the interest of justice to issue directions for removal of the thatched barricade. This Court shall consider the said aspect on the next date.

JUDGE

Comparing Assistant