

GAHC010043692026



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

Case No. : WA/94/2026

ROBIUL HUSSAIN AND ANR
S/O AKBAR ALI, VILL- DUBAPARA, LUPTACHAR UNDER BHATIAPARA
REVENUE AREA, P.O.- DUBAPARA, P.S.- MORNAI, DIST- GOALPARA,
ASSAM, PIN-783101

2: MALLIKA KHATUN
W/O JABED ALI, VILL- DUBAPARA
LUPTACHAR UNDER BHATIAPARA REVENUE AREA
P.O.- DUBAPARA, P.S.- MORNAI, DIST- GOALPARA
ASSAM, PIN-78310

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM, PANJABARI, GUWAHATI-781037

3:THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS
LOWER ASSAM ZONE
BASISTHA, GUWAHATI-29

4:THE DIVISIONAL FOREST OFFICER
GOALPARA FOREST DIVISION
P.O.- BALADMARI, P.S. AND DIST- GOALPARA
ASSAM, PIN-783121

5:THE DISTRICT COMMISSIONER
GOALPARA, P.O. AND DIST- GOALPARA
ASSAM, PIN-783101

6:THE CIRCLE OFFICER
MATIA CIRCLE, P.O.- MATIA, DIST- GOALPARA
ASSAM, PIN-78312

For the appellant/petitioner(s) : Mr. S.B. Laskar, Advocate
Ms. D. Dutta, Advocate

For the Respondent(s) : Mr. P. N. Goswami, Addl. AG,
Assam

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

01.04.2026

(Ashutosh Kumar, CJ)

We have heard Mr. S.B. Laskar, learned Advocate for the appellants, and Mr. P.N. Goswami, learned Additional Advocate General, Assam, for the respondents.

The present appeal has been preferred by the appellants challenging the order dated 29.01.2026, passed by a learned Single Judge of this Court in WP(C) No. 6363/2025, whereby the writ petition filed by the appellant was dismissed.

The appellants stand evicted from their residential premises which, according to the State, fell in the Dahikata Reserved Forest area.

The eviction notice issued to the appellants was challenged by the appellants vide the afore-noted writ petition, which could not be sustained.

Hence, this appeal.

The contention of the appellants is that they, along with others, had

been residing in Dubapara-Luptachar village, under Matia Revenue Circle, in the district of Goalpara. Their residential lands were recorded in the official revenue records as "Government Khas land" and they had been residing there peacefully for generations.

On the contrary, the claim of the respondents/Forest Department is that the land in question falls inside the Dahikata Reserved Forest area, which was notified sometimes in the year 1973.

The factual position is disputed by the appellants that their houses lay inside the boundary of the reserved forest. The appellants have relied on the report on an official field-enquiry of 1987, conducted by the Circle Officer and the Deputy Commissioner, recording that the land in question belongs to the revenue department and is not forest land.

On having served with the eviction notice on 07.10.2025 issued by the Divisional Forest Officer concerned, the appellants approached the High Court vide WP(C) No. 6217/2025. This Court directed the authorities to consider their representations and to make proper verification before taking any precipitate action.

Strengthened by the afore-noted observations, the appellants submitted their detailed representations on 06.11.2025, but, on the same day, the eviction order was issued by the Forest Officer, rejecting their claim. The appellants allege that this was a hurried order without any verification of the claim of the appellants.

The grievance of the appellants is that the learned Single Judge in this instance accepted the stand of the Forest department that the land in question fell inside the reserved forest area, but did not consider the fact that notwithstanding the previous order of the High Court for

verifying the correctness of the contentions raised by the appellants, the eviction order was passed on the very day of submission of the representations by the appellants. The appellants claim that if the revenue records are verified along with the afore-noted field enquiry report of 1987, it would appear that there is no joint demarcation of the land.

The appellants also argue on their right to shelter under Article 21 of the Constitution of India.

In any view of the matter, for the reason that the appellants stand evicted on 31.01.2026, the claim in this appeal is for restitution of their possession over the land in question.

This appeal is admitted for hearing.

List this case for hearing on **16.07.2026**.

In the meanwhile, Mr. P. N. Goswami, learned Additional Advocate General, Assam, shall file a detailed affidavit with necessary proof that the land, from where the appellants have been evicted, falls inside the Dahikata Reserved Forest.

JUDGE

CHIEF JUSTICE

Comparing Assistant