

GAHC010051262026



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

Case No. : WP(C)/1474/2026

MUSTT. SALEHA DEWAN AND ANR
W/O- LATE KUTUB ALI DEWAN.
R/O- RATAN DEWAN PATH, ULUBARI, P.O.- ULUBARI, P.S.- PALTANBAZAR,
GUWAHATI-7, DIST.- KAMRUP(M), ASSAM.

2: REHANA BEGUM
D/O- LATE SABIR ALI AHMED.
R/O- RATAN DEWAN PATH
ULUBARI
P.O.- ULUBARI
P.S.- PALTANBAZAR
GUWAHATI-7
DIST.- KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY , GOVT. OF
ASSAM, THE DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT ,
DISPUR, GUWAHATI-06, DIST.- KAMRUP(M), ASSAM.

2:THE DEPUTY SECRETARY
GOVT. OF ASSAM.
THE DEPARTMENT OF REVENUE
DISPUR
P.O.- ASSAM SACHIVALAYA
GUWAHATI-06
DIST.- KAMRUP(M)
ASSAM.

3:THE DISTRICT COMMISSIONER
DIST.- KAMRUP(M)
HENGHERABARI

P.O.- HENGERABARI
GUWAHATI-36
DIST.- KAMRUP(M)
ASSAM
PIN- 781030.

4:THE CO- DISTRICT COMMISSIONER
DIST.- KAMRUP(M)
JALUKBARI CO- DISTRICT COMMISSIONER OFFICE
GUWAHATI-12
DIST.- KAMRUP(M)
ASSAM.

5:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE.
AZARA
P.O.- AZARA
GUWAHATI-17
DIST.- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. D K BORAH, C KALITA,L K BORAH

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

12.03.2026

Heard Shri LK Borah, learned counsel for the petitioners.

2. The petitioners claim to be the legal heirs of the original owner of the plot of land covered by Patta No. 39 of revenue village Pachoniapara under Mouza Dakhin Rani, Azra Revenue Circle in the district of Kamrup (M). They are aggrieved by a notice dated 27.02.2026 whereby the petitioners have been directed to vacate the land on the ground that the land falls within Tribal Belt and Blocks.

3. Shri R. Borpujari, learned Standing Counsel, Revenue Department has

however submitted that in similar cases, writ petitions have been dismissed.

4. Shri Borah, learned counsel for the petitioners has however submitted that the cases which have been dismissed are based on certain Powers of Attorneys which were executed long after the creation of the Tribal Belt and Blocks whereas in his plot of land, the land is in continuous possession since the time of their forefather before such creation and a valid Patta has been issued.

5. Let notice be issued, returnable on 30.03.2026.

6. Shri R. Borpujari, learned Standing Counsel, Revenue Department accepts notice on behalf of the respondent nos. 1 & 2 and Shri SS Roy, learned Government Advocate, Assam accepts notice on behalf of the respondent nos. 3, 4 & 5. Extra copies of the writ petition be served upon the learned counsel for the respondents by tomorrow.

7. Shri Borah, learned counsel for the petitioners prays for an interim order.

8. Considering the facts projected and also the aspect that there is a Patta issued in favour of the petitioners, it is directed that till the returnable date, no coercive action for eviction be taken. It is however made clear that the present interim order is passed only with regard to the present petitioners.

9. List on 30.03.2026.

JUDGE

Comparing Assistant