

GAHC010054892024



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

Case No. : WA/94/2024

SUKCHAN ALI AND ORS
S/O LATE MAMUD ALI RESIDENT OF VILLAGE BOIDDOR GAON, PO
TUMNI, PS SOUTH SALMARA, DIST SOUTH SALMARA MANKACHAR,
ASSAM, 783127

2: INAM HUSSAIN @ IMAN ALI

S/O LATE ROSTOM ALI

RESIDENT OF VILLAGE TUMNISIMLA
PO TUMNI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM
783127

3: ABUL HUSSAIN

S/O LATE ROSTOM ALI

RESIDENT OF VILLAGE TUMNISIMLA
PO TUMNI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM
783127

4: A MOZID @ MAZID ALI
S/O LATE ROSTOM ALI

RESIDENT OF VILLAGE TUMNISIMLA
PO TUMNI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR

ASSAM
783127

5: GUTU SHEIKH @ GHUTU MUNSHI

S/O SIKIM UDDIN

RESIDENT OF VILLAGE TUMNISIMLA
PO TUMNI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM
783127

6: JOHIRAN BEWA @ JOHIRAN NESSA BEWA
D/O SIKIM UDDIN

RESIDENT OF VILLAGE TUMNISIMLA
PO TUMNI
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM
783127

7: BHULI BIBI
W/O BIDESHI SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

8: ABDUL MATIN
S/O LATE ABUL KASHEM
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

9: A MONNAF @ MONNAF ALI
S/O LATE ABUL KASHEM
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

10: MOTLEBUR RAHMAN
S/O LATE ABUL KASHEM
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI

PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

11: ASMOT ALI
S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

12: SAMSUL @ SAMSUL SK

S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

13: SOBIAL HOQUE @ SOPIAL HOQUE
S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

14: INAM ALI @ IMAN ALI
S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

15: ASOR ALI @ ASHRAB ALI
S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 783127

16: FULCHAN ALI
S/O LATE SODAGAR ALI @ SODAGAR SHEIKH
RESIDENT OF VILLAGE RAJABALA BHALUKKANDI
PO PATAKATA
PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR ASSAM 78312

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DISASTER MANAGEMENT DEPARTMENT, DISPUR
GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
EDUCATION HIGHER DEPARTMENT
GOVT OF ASSAM
DISPUR
GUWAHATI 06

3:THE DEPUTY COMMISSIONER

SOUTH SALMARA MANKACHAR
ASSAM

4:THE SUB DIVISIONAL OFFICER (CIVIL)
SOUTH SALMARA MANKACHAR
ASSAM

5:THE EXECUTIVE ENGINEER
PWD (BUILDING) DIVISION
DHUBRI
ASSAM

6:THE CIRCLE OFFICER
SOUTH SALMARA REVENUE CIRCLE
ASSAM

7:SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR
ASSAM

8:JOHIRUL ISLAM
(LOT MANDAL
HIZIRHAT KHOPATI REVENUE VILLAGE
UNDER SOUTH SALMARA REVENUE CIRCLE) S/O LATE BOKHIOTULLAH
RESIDENT OF VILLAGE SUNDHORPARA
PO TUMNI
PS AND DIST SOUTH SALMARA MANKACHAR
ASSAM 78312

For the Appellants : **Mr. R. P. Kakati, Sr. Adv.**
Mr. K. Islam, Adv.

For the Respondents : Mr. K. Gogoi, SC, Higher Edn. Deptt.
Ms. R.B. Bora, GA, Assam.
Ms. N. Bordoloi, SC, Rev. Deptt. Assam.

BEFORE
HON'BLE THE CHIEF JUSTICE
THE HON'BLE MR. JUSTICE SUMAN SHYAM

03/04/2024
Vijay Bishnoi, CJ

Heard learned counsel for the parties and perused the materials available on record.

It is the case of the appellants that they never executed any relinquished deed which has been relied upon by the learned Single Judge. It is also the case of the appellants that the relinquished deed produced on behalf of the State is forged one. It is submitted that the learned Single Judge has not appreciated the case of the appellants in right perspective.

Issue notice returnable on 08/05/2024.

Mr. K. Gogoi, learned Standing Counsel, learned Standing Counsel, Higher Education Department, Assam, Ms. R.B. Bora, learned Government Advocate, Assam and Ms. N. Bordoloi, learned Standing Counsel, Revenue and Disaster Management Department, Assam, appearing for the respondents pray for some time to file counter to the writ appeal.

Time prayed for is granted.

List on 08/05/2024.

In the meantime, *status quo* as regard the relinquished deed shall be maintained till the next date.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant