

GAHC010054892024



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

Case No. : WA/94/2024

1: 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

1: 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

Linked Case : WA/74/2024

1: ABUL KALAM AD 2 ORS
S/O LATE AYAT ALI RESIDENT OF RAJABALA BHALUKKANDI PO PATAKATA
PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR ASSAM 783127

2: ABDUL HUSSAIN
S/O LATE AYAT ALI RESIDENT OF RAJABALA BHALUKKANDI PO PATAKATA
PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR ASSAM 783127

3: ABDUL MOZID
S/O LATE AYAT ALI RESIDENT OF RAJABALA BHALUKKANDI PO
PATAKATA PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

VERSUS

1: THE STATE OF ASSAM AND 6 ORS REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM REVENUE
AND DISASTER MANAGEMENT DEPARTMENT DISPUR GUWAHATI 6

2:THE COMMISSIONER AND SECRETARY EDUCATION HIGHER
DEPARTMENT GOVT. OF ASSAM DISPUR GUWAHATI 6

3:THE DEPUTY COMMISSIONER SOUTH SALMARA MANKACHAR
ASSAM 783127

4:THE SUB DIVISIONAL OFFICER (CIVIL)
SOUTH SALMARA MANKACHAR 783127

5:THE EXECUTIVE ENGINEER
PWD (BUILDING) DIVISION DHUBRI ASSAM 783301

6:THE CIRCLE OFFICER SOUTH SALMARA REVENUE CIRCLE SOUTH
SALMARA ASSAM 783127

7:SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR ASSAM 783127

For the Appellant(s) : Mr. R.P. Kakoti, Sr. Advocate, assisted by Mr. K. Islam, Advocate.

For the Respondent(s) : Mr. D. Mazumdar, Additional Advocate General, Assam, assisted
by Mrs. R.B. Bora, Junior Government Advocate, Assam.
: Mrs. N. Bordoloi, Standing Counsel, Revenue Department.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

08.05.2024

(Vijay Bishnoi, CJ)

Mr. R.P. Kakoti, learned senior counsel for the appellants has submitted that counter affidavit has not been filed on behalf of the respondents.

However, learned counsels for the respondents have submitted that filing of counter affidavit in the writ appeals is not necessary.

List these appeals after a week.

JUDGE

CHIEF JUSTICE

Comparing Assistant