

GAHC010057632026



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

**Case No. : WP(C)/1793/2026**

MAHA ALOM AND 50 ORS.  
S/O ABDUL KADER

2: BOJOR ALI  
S/O JAFAR ALI

3: JULHASHEN SK.  
S/O ABDUL KADER

4: SOMIRAN BIBI  
W/O NUR SALAM

5: SAHAR UDDIN  
S/O ABDUL KADER

6: SALAM UDDIN  
S/O RAMJAN ALI

7: SANTESH ALI  
S/O NUR ISLAM

8: ABU SAMA  
S/O JOYNAL

9: ASMAT ALI  
S/O HASEM ALI

10: SUJAL HOQUE  
S/O OSMAN

11: AKHER ALI  
S/O NUR ISLAM

12: KALAM UDDIN

S/O ABUL HUSSAIN

13: SULTAN ALI  
S/O AINUDDIN

14: NISHAN ALI  
S/O BAKKAR ALI

15: OSMAN ALI  
S/O BAKKAR ALI

16: KABED ALI  
S/O ACHER MUNSHI

17: ASAD ALI  
S/O CHANDU MOLLAH

18: MONIR UDDIN  
S/O NAJMUL HOQUE

19: FATEMA BIBI  
W/O ASHAN ALI

20: HARMUJ ALI  
S/O TAHER ALI

21: HAYET ALI  
S/O TAHER ALI

22: HANIF ALI SK.  
S/O INNUS ALI

23: SAMSER ALI  
S/O ABDUL ROSID

24: MOYNUDDIN SHEIKH  
S/O NURUL ISLAM

25: MAJIRAN BIBI  
W/O AB. ROSID

26: SAHID ALI  
S/O SAJAHAN ALI

27: ABDUL JOYNAL  
S/O ABDUL GAFUR

28: TAHIJUL HOQUE

S/O ASHAN ALI

29: ATOSH ALI  
S/O NUR ISLAM

30: KOMOR ALI  
S/O IMAN ALI

31: SHAHADAT ALI  
S/O INNAS ALI

32: BILLAL HUSSAIN  
S/O TUFAINA SHEIKH

33: BOJAL HOQUE  
S/O ABDUL SAMAD

34: ABDUL HAMID SHEIKH  
W/O JAMAL UDDIN

35: KUDDUS ALI  
S/O SUKKUR ALI

36: ABDUR REZZAQUE  
S/O AIJUDDIN SK.

37: AIJUDDIN SHEIKH  
S/O MAKSED

38: NIDAN ALI  
S/O SHUKKUR ALI

39: ABDUL HASHEM  
S/O SATTAR ALI

40: JAMAL UDDIN  
S/O KADAM ALI

41: AIJAL HOQUE  
S/O JASMAT

42: MAJID ALI  
S/O SULTAN ALI

43: SANTESH ALI  
S/O AIJAL HOQUE

44: MIZANUR RAHMAN

S/O SER ALI

45: AKSED ALI  
S/O SHUKKUR ALI

46: SIYANA KHATUN  
W/O ABDUL RASHID

47: OMESA KHATUN  
W/O FOZOR ALI

48: AJIRAN BIBI  
W/O AKBAR ALI

49: SANUAR HUSSAIN  
S/O ABDUL MOJID

50: SHAHA ALOM  
S/O ABDUL GONI MONDAL

51: MONER ALI  
S/O IBRAHIM ALI  
ALL ARE RESIDENTS OF VILL- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKATA  
P.S. CHAPAR  
DIST. DHUBRI  
ASSAM  
PIN-783348

VERSUS

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 DISTRICT COMMISSIONER OF DHUBRI  
DISTRICT AT DHUBRI  
P.O. AND DIST. DHUBRI  
PIN- 783301

3:THE CIRCLE OFFICER

CHAPAR REVENUE CIRCLE  
P.O. CHAPAR  
DIST. DHUBRI  
ASSAM

PIN- 783371

4:THE COMMISSIONER OF BILASIPARA CO-DISTRICT

P.O. BILASIPARA  
DIST. DHUBRI  
ASSAM  
PIN- 783348.

5:THE ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)

REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI  
DIST. KAMRUP (M)  
ASSAM  
PIN- 781001.

6:THE CO-DISTRICT LAND ADVISORY COMMITTEE

BILASIPARA  
REPRESENTED BY ITS CHAIRMAN/CO-DISTRICT COMMISSIONER  
OF BILASIPARA  
P.O. BILASIPARA  
DIST. DHUBRI  
PIN-783348.

7:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF POWER  
DISPUR  
GUWAHATI-6

Advocate for the petitioner(s): Mr. MA Sheikh

Advocate for the respondent(s): Mr. N Das, Govt. Advocate, Assam

Ms. N Bordoloi, Standing Counsel,  
Revenue Department, Govt. of Assam

Mr. KP Pathak, Standing Counsel,  
APDCL

**B E F O R E**  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**31.03.2026**

Heard Mr. MA Sheikh, the learned counsel appearing on behalf of the petitioners.

2. Issue notice making it returnable on 08.05.2026.
3. Ms. N Bordoloi, the learned counsel accepts notice on behalf of respondent No.1; Mr. N Das, the learned Government Advocate, Assam accepts notice on behalf of respondent Nos.2, 3, 4, 6 and 7 and Mr. KP Pathak, the learned counsel accepts notice on behalf of respondent No.5.
4. Taking into account that all the respondents are duly represented extra copies of the writ petition be served upon the respective counsels by tomorrow.
5. 51 writ petitioners have joined together to approach this Court being aggrieved by the rejection of their applications seeking settlement on the ground that the petitioners are not in possession of land as well as on the ground that the lands in question have been allotted to the respondent No.5.
6. Mr. MA Sheikh, the learned counsel for the petitioners submitted that the petitioners have filed applications seeking settlement of around 215 bighas of land under their possession and these applications were filed in the year 2024. However, subsequently, the lands have been allotted to the respondent No.5 and thereupon the patta has also been issued in favour of the respondent No.5.

7. It is the further case of the petitioners that in the meantime, the petitioners have also been evicted. Mr. MA Sheikh, the learned counsel further submits that there are various parameters as mentioned in the *Assam Land Policy of 2019* which stipulates when waste lands of the State can be settled and the petitioners herein who have been residing over the said land for the last 50 years have been dispossessed and their application for settlement have been rejected.

8. The learned counsel appearing on behalf of the respondent State, more particularly, the respondent Nos. 1 to 4 and respondent Nos.6 and 7 are directed to bring on record their stand by filing the affidavits. In the affidavit, the respondents shall also apprise this Court as to whether the parameters that the petitioners are indigenous people of the State of Assam and that they were landless peoples have been taken into consideration while rejecting their application for settlement.

9. The respondent No.5 would also be at liberty to bring on record their stand by filing their affidavit.

10. Mr. MA Sheikh, the learned counsel appearing on behalf of the petitioners further submitted that the possession of the petitioners should not be disturbed taking into account that as patta has also been issued in favour of the respondent No.5, the State under Rule 18 of the Settlement Rules cannot exercise the power of eviction.

11. This Court without commenting on who is in possession of the land observes that as the land had been already allotted to the Respondent No.5, the State Respondents cannot resort to the powers under Rule 18 of the Settlement Rules.

12. List accordingly.

**JUDGE**

**Comparing Assistant**