

GAHC010058142024



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

Case No. : WA/154/2024

1: CHAMEN ALI AND ORS

S/O- MONSER ALI SK @ MONSER ALI, R/O- RAJABALA BHALUKKANDI,
P.O. PATAKATA, P.S. SOUTH SALMARA, DIST.- SOUTH SALMARA-
MANKACHAR, PIN- 783127, ASSAM

2: ANOWAR ALI

S/O- MONSER ALI SK @ MONSER ALI R/O- RAJABALA BHALUKKANDI
P.O. PATAKATA P.S. SOUTH SALMARA DIST.- SOUTH SALMARA-
MANKACHAR PIN- 783127 ASSAM

3: ALI CHAN

S/O- MONSER ALI SK @ MONSER ALI R/O- RAJABALA BHALUKKANDI
P.O. PATAKATA P.S. SOUTH SALMARA DIST.- SOUTH SALMARA-
MANKACHAR PIN- 783127 ASSAM

4: ASHAN ALI

S/O- MONSER ALI SK @ MONSER ALI R/O- RAJABALA BHALUKKANDI
P.O. PATAKATA P.S. SOUTH SALMARA DIST.- SOUTH SALMARA-
MANKACHAR PIN- 783127 ASSAM

5: SANOWAR ALI

S/O- MONSER ALI SK @ MONSER ALI R/O- RAJABALA BHALUKKANDI
P.O. PATAKATA P.S. SOUTH SALMARA DIST.- SOUTH SALMARA-
MANKACHAR PIN- 783127 ASSAM

VERSUS

1: THE STATE OF ASSAM AND 8 ORS REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM ,REVENUE
AND DISASTER MANAGEMENT DEPTT., DISPUR, GHY-6

2:THE COMM. AND SECY. EDUCATION HIGHER DEPTT.
GOVT. OF ASSAM DISPUR GHY-6

3:THE DY. COMMISSIONER
SOUTH SALMARA-MANKACHAR ASSAM

4:THE SUB DIVISIONAL OFFICER
(CIVIL) SOUTH SALMARA MANCACHAR

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

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

7:SUPERINTENDENT OF POLICE
SOUTH SALMARA-MANKACHAR ASSAM

8:MAHESH KUMAR CHANANI
S/O- LT. MATHURAM CHANANI R/O- WARD NO. 18
SBI COLONY HOJAI DIST.- HOJAI ASSAM PIN- 782435.

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

Linked Case : WA/138/2024

1: AMIR ALI AND 6 ORS
S/O JURAN ALI RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

2: ABUL KALAM AZAD
S/O JURAN ALI RESIDENT OF VILLAGE TUMNISIMLAKANDI PO TUMNI PS
SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR ASSAM 783127

3: ARFAN ALI
S/O PORAN BASHI RESIDENT OF VILLAGE TUMNISIMLAKANDI PO TUMNI
PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR ASSAM 783127

4: OSMAN ALI
S/O PORAN BASHI RESIDENT OF VILLAGE TUMNISIMLAKANDI PO TUMNI
PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR ASSAM 783127

5: HOBIBOR RAHMAN
S/O LATE MONSER ALI RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR

ASSAM 783127

6: HAMED ALI
S/O LATE MONSER ALI RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

7: CHAMEN ALI @ SAMEN ALI
S/O LATE MONSER ALI RESIDENT OF VILLAGE BHALUKKANDI
PO PATAKATA PS SOUTH SALMARA DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

VERSUS

1: THE STATE OF ASSAM AND ORS REPRESENTED BY THE COMMISSIONER
AND SECRETARY TO THE GOVT OF ASSAM REVENUE AND DM DEPTT
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 MONDALHIZIRHAT-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 783127

Linked Case : 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 783127

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 783127

Linked Case : WA/74/2024

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

Linked Case : WA/118/2024

1: ABDUL AZIZ MIAH AND 3 ORS.

S/O LATE BANIJ ALI R/O RAJBALA BHALUKKANDI P.O.- PATAKATA
P.S.- SOUTH SALMARA DIST.- SOUTH SALMARA MANKACHAR ASSAM
PIN- 783127.

2: BAHAR ALI
S/O LATE BANIJ ALI R/O RAJBALA BHALUKKANDI P.O.- PATAKATA
P.S.- SOUTH SALMARA DIST.- SOUTH SALMARA MANKACHAR ASSAM
PIN- 783127.

3: IBRAHIM ALI
S/O LATE BANIJ ALI R/O RAJBALA BHALUKKANDI P.O.- PATAKATA
P.S.- SOUTH SALMARA DIST.- SOUTH SALMARA MANKACHAR ASSAM
PIN- 783127.

4: BHALIJAN BIBI
D/O LATE BANIJ ALI R/O RAJBALA BHALUKKANDI P.O.- PATAKATA P.S.-
SOUTH SALMARA DIST.- SOUTH SALMARA MANKACHAR ASSAM
PIN- 783127.

VERSUS

1: THE STATE OF ASSAM AND 8 ORS. REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM REVENUE
DISASTER MANAGEMENT DEPTT. DISPUR GUWAHATI- 6.

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

3: THE DEPUTY COMMISSIONER SOUTH SALMARA MANKACHAR
P.O. AND P.S.- HATSINGIMARI ASSAM PIN- 783135.

4: THE SUB-DIVISIONAL OFFICER (CIVIL)
SOUTH SALMARA MANKACHAR ASSAM PIN- 783135.

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

6: THE CIRCLE OFFICER SOUTH SALMARA REVENUE CIRCLE
SOUTH SALMARA ASSAM PIN- 783127.

7: SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR ASSAM PIN- 783135.

8: MOHESH KUMAR CHANANI
S/O LATE MATHURAM CHANANI R/O VILL.- WARD NO. 18
SBI COLONY HOJAI PIN- 782435 DIST.- HOJAI ASSAM.

9: JOHIRUL ISLAM

(LOT MONDAL HIZIRHAT-KHOPATI REVENUE VILLAGE
UNDER SOUTH SALMARA REVENUE CIRCLE) S/O LT. BOKHIOTULLAH
VILL.- SUNDHORPARA P.O.- TUMNI P.S.- SOUTH SALMARA DIST.- SOUTH
SALMARA MANKACHAR ASSAM PIN- 783127.

For the Appellant(s) : Mr. S. Sutradhar, Advocate.

For the Respondent(s) : Mr. D. Mozumdar, Additional Advocate General, Assam.

– **B E F O R E** –
HON’BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON’BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

25.09.2024
(Vijay Bishnoi, CJ)

Mr. S. Sutradhar has made a request on behalf of Mr. K. Islam, learned counsel for the appellants to adjourn the matters as the counsel appearing for the appellants is not available today.

List these matters for admission after the ensuing Puja vacation.

JUDGE

CHIEF JUSTICE

Comparing Assistant