

GAHC010058142024



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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 MONDAL HIZIRHAT-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

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) DIVISIOND
HUBRI ASSAM

6:THE CIRCLE OFFICER
SOUTH SALMARA REVENUE CIRCLE ASSAM

7: SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR ASSAM

8: JOHIRUL ISLAM
(LOT MONDAL
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/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

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

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

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 MANCACHAR
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. A. Alim Sk., Advocate.
For the Respondent(s) : Mr. D. Mozumdar, Additional Advocate General, Assam.
: Mr. D. Nath, Senior Government Advocate, Assam.

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

24.03.2025

(Vijay Bishnoi, CJ)

Learned counsel appearing for the parties have submitted that talks between the parties for giving alternate land to the appellants are going on and

therefore, the matters may be adjourned.

Accordingly, list these matters in the month of August, 2025.

JUDGE

CHIEF JUSTICE

Comparing Assistant