

GAHC010058142024



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

Case No. : WA/154/2024

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
ASSA

VERSUS

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

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : SC, HIGHER EDU

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

Advocate for : MR. M U MONDAL
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS

Linked Case : 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 783127
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 783127

Advocate for : MR. M U MONDAL
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

**Date : 27/05/2024
*Vijay Bishnoi, CJ***

At the request of Mr. M.U. Mondal, learned counsel for the appellants, list these appeals on 03/06/2024 along with other identical appeals.

Mr. D. Mazumdar, learned Senior Additional Advocate General, Assam, assisted by Mr. D. Nath, learned Senior Government Advocate, Assam and Ms. N. Bordoloi, learned Standing Counsel, Revenue and Disaster Management Department, Assam, are present on behalf of the official respondents.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant