

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 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

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 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

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

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. R.P. Kakati, Sr. Advocate, assisted by Mr. K. Islam, Advocate.

For the Respondent(s) : Mr. D. Mozumdar, Additional Advocate General, Assam.
: Mr. D. Nath, Senior Government Advocate, Assam.
: Ms. N. Bordoloi, Standing Counsel, Revenue Department.
: Mr. S. Das, Standing Counsel, Education (Higher) Department.

- B E F O R E -

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

23.10.2024

(Vijay Bishnoi, CJ)

The appellants have approached the Writ Court against the action of the State Government of acquiring their agricultural land for the purpose of construction of Model Degree Colleges.

The learned Single Judge has non-suited the appellants while recording a finding of fact that the appellants have relinquished their agricultural land voluntarily by executing relinquishment deed.

The appellants have challenged the impugned order dated 15.02.2024 passed by the learned Single Judge in WP(C) No.317/2021 and other connected writ petitions, while claiming that they have not relinquished their land voluntarily and have also contended that the relinquishment deeds are forged.

During the pendency of the writ petition, the learned Single Judge issued a direction to the respondent State to work out whether alternate agricultural land can be allotted to the appellants or not. However, the same could not be materialized because some of the appellants have not agreed to the same.

Today, Mr. R.P. Kakati, learned senior counsel for the appellants as well as Mr. D. Mozumdar, learned Additional Advocate General, Assam has submitted that now negotiations are going on between the State as well as the appellants and principally the appellants have agreed for alternate land and, therefore, the

matters may be adjourned for completing the negotiations between the appellants and the State.

In view of the above submissions made by the learned counsel appearing for the parties, list these matters after 8(eight) weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant