

GAHC010073162018



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

Case No. : WP(C)/2300/2018

KHALILUR RAHMAN AND 6 ORS.
S/O ABDUL SALAM, VILL CHENIMARI, PO DHUMKURA, PS AND MOUZA
LAHARIGHAT, PIN-782127

2: MEHJIBIN SULTANA
W/O ABDUL JABBAR
VILL- CHENIMARI
PO DHUMKURA
PS AND MOUZA LAHARIGHAT
PIN 782127

3: ASHADUL ISLAM
S/O ABDUL SALAM
VILL CHENIMARI
PO DHUMKURA
PS AND MOUZA LAHARIGHAT
PIN-782127

4: NUR MOHAMMAD
S/O YASIN ALI
VILL- MORITOLI
PO
PS AND MOUZA LAHARIGHAT
PIN 782127

5: ABDUL AZIT
S/O LT. HAFIZ UDDIN
VILL CHENIMARI
PO-DHUMKURA
PS AND MOUZA LAHARIGHAT
PIN 782127

6: HARIPADA MAZUMDER
S/O MANIK MAZUMDER

VILL BORBORI
PO
PS AND MOUZA LAHARIGHAT
PIN-782127

7: MD MUBARAK ALI
S/O MD. AMIR UDDIN
VILL BORBORI
PO
PS AND MOUZA LAHARIGHAT
PIN-78212

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY, LAND REVENUE AND
DISASTER MANAGEMENT DEPARTMENT, ASSAM, DISPUR, GUWAHATI-06

2:THE DISTRICT COLLECTOR CUM DEPUTY COMMISSIONER
MORIGAON
DIST. MORIGAON
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
MORIGAON
DIST. MORIGAON
ASSAM

4:THE CIRCLE OFFICER
LAHARIGHAT REVENUE CIRCLE
PO AND PS LAHARIGHAT
DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR. Z HAMMAD, MR A R BHUYAN,MR. M A I HUSSAIN

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 23.07.2025

1. Heard Mr. A.R. Bhuyan, learned counsel for the petitioners.

2. The grievance of the petitioners is that by demolishing their houses and taking over possession of their patta land described at paragraph 3 of the writ petition, the respondent No.2 had constructed a road.

3. Though a stand has been taken by the respondents that the petitioners were not evicted from their periodic patta land, but eviction was carried out demolishing unauthorized building, shops etc., so that the construction of the road can be started as early as possible after issuing notices to the petitioners and after making announcements before such eviction, however, there is no specific denial of paragraph 3 of the writ petition as recorded hereinabove and no copy of any notice is annexed with the affidavit, except making a statement that notices were issued and, it is also not clear as to what kind of notices were issued.

4. On the other hand, the petitioners had also filed a reply affidavit reiterating their stand that it is the patta land over which the eviction was carried out.

5. At this stage Mr. BJ Talukdar, learned Additional Senior Government submits that he will file an additional affidavit demonstrating the position of the patta land of the petitioners and the area they have encroached, wherein the evictions were carried out by way of producing a Revenue map and also produce the notice served upon the petitioners prior to carrying of the eviction.

6. Let the affidavit be filed within a period of three weeks from today.

7. List the matter after three weeks.

JUDGE

Comparing Assistant