

GAHC010076642024



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

Case No. : WP(C)/2268/2024

SABUR UDDIN AHMED AND 58 ORS.
SON OF LATE MONSER ALI, RESIDENT OF VILLAGE TOPAR PATHER, PO-
TOPAR PATHER,
P.S. CHHAYGAON,
DIST. KAMRUP, ASSAM.
PIN-781137.

2: CHAHAB ALI AHMED
SON OF ELAHI BAKSH
RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

3: SHAHIDUL ISLAM
S/O- ABDUL HAMID
RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

4: ROFIQUL ISLAM
S/O- LATE NAYAN UDDIN

5: ROFIQUL ISLAM
S/O- KURPAN ALI

- 6: ISAR UDDIN
S/O- JOYNUDDIN
- 7: SHAHAB UDDIN
S/O- MOHAR ALI
- 8: SHAMSUL HOQUE
S/O- MOHAR ALI
- 9: ABDUL MATIN
S/O- MUHUR UDDIN
- 10: AJMAL HOQUE
S/O- HABIBUR RAHMAN
- 11: MOYNAL HOQUE
S/O- SAYED ALI
- 12: SHUKUR ALI
S/O- SAID ALI
- 13: BAHADUR ALI
S/O- KURPAN ALI
- 14: SHOMEJ UDDIN
S/O- BASER UDDIN
- 15: SADEK ALI
S/O- KHOBIR UDDIN
- 16: AKBAR ALI
S/O- ALAUDDIN
- 17: TARIK UDDIN
S/O- YEAD ALI
- 18: BUDDUSH ALI
S/O- KOBIR UDDIN
- 19: WAZ UDDIN AHMED
S/O- HAZRAT ALI
- 20: AKKAS ALI
S/O- BASER ALI
- 21: ABDUL MANNAN

S/O- ABDUL MALEK

22: FAKAR UDDIN
S/O- NIYAMAT ALI

23: MAHIR UDDIN
S/O- REKAT ALI

24: MAHAR ALI
S/O- MAHABBAT ALI

25: IBRAHIM KHALIL
S/O- HUSSAIN ALI

26: DELUWAR HUSSAIN
S/O- ABDUL HAMID

27: JAHANGIR ALOM
S/O- ABDUS SALAM

28: ABDUL MAJID
S/O- RAHMAT ALI

29: SARBAT ALI
S/O- KHOBIRUDDIN

30: MOYNAL HOQUE
S/O- ISMAIL ALI

31: MOHIDUL HOQUE
S/O- MOHAR ALI

32: ROFIQUL ISLAM
S/O- ABDUR RAHIM MULLA

33: NAZRUL ISLAM
S/O- ASRAF ALI

34: CHAND MAHMUD
S/O- NORIMUDDIN

35: FAZAL HOQUE
S/O- USUP ALI

36: LATIP KHAN
S/O- CHOYED ALI

37: NASIRUDDIN
S/O- CHOYED ALI

38: KASHEM ALI
S/O- KHODA BOX

39: NURUL ISLAM
S/O- CHOYED ALI

40: ZAKIR HUSSAIN
S/O- KORIM ALI MULLAH

41: ASRAB ALI
S/O- KHUDA BOX

42: ROBIUL HUSSAIN
S/O- SHUKUR ALI

43: NURUJ JAMAN AHMED
S/O- ABDUL WAHAB

ALL ARE RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

44: ALI AKBAR
S/O- ABDUL ADID

R/O- VILLAGE BAGHMARA

PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN- 781137.

45: REFAZ ALI
SON OF LATE MOHAMMAD ALI

46: MOHAMMAD ALI
S/O- WAZED ALI

47: AKKES KHAN
S/O- FAZIL KHAN

ALL ARE THE RESIDENT OF VILLAGE BAR ARIKATI
PS- BOKO
DIST- KAMRUP
ASSAM. PIN-781136.

48: SADDAM HUSSAIN
SON OF ABUL WAHAB

49: MOYNUL HOQUE
SON OF KOLIM UDDIN

50: NURRUL HOQUE CHOUDHURY
SON OF AMZAD ALI

51: AMZAD ALI
SON OF MONURUDDIN

52: WAHED ALI
SON OF MUNNAF ALI

53: SHORBAT ALI
SON OF HAZARAT ALI

54: BUDDUS ALI
SON OF AKBAR ALI

55: SHEIKH SADULLAH
SON OF SORHAB ALI

56: MAYJUDDIN AHMED
SON OF FOYJUDDIN AHMED

ALL ARE RESIDENT OF VILLAGE KACHIA
DIYA PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

57: JAHIDUL ISLAM
SON OF MD. SAKET ALI

58: MD. BURHAN ALI
SON OF LATE AMSER ALI

59: MD. FARMAN ALI
SON OF LATE AMSER ALI
ALL ARE PRESENTLY RESIDING AT VILLAGE BARDIA NAYAPARA

PO- MAHTOLI
PS- BOKO

DIST- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND 12 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, GEOLOGY, MINES AND MINERALS
DEPARTMENT, KAHILIPARA, GUWAHATI-19.

2:THE DIRECTOR
DIRECTORATE OF GEOLOGY AND MINING DEPARTMENT
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DIVISIONAL FOREST OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON.
PS- CHHAYGAON.
DIST. KAMRUP
ASSAM.
PIN-781123.

4:THE DEPUTY COMMISSIONER
KAMRUP AT AMINGAON

PO AND PS- AMINGAON

DIST- KAMRUP
ASSAM.
PIN-781031.

5:THE EXECUTIVE ENGINEER

WATER RESOURCE DEPARTMENT (WEST DIV.) BHARALUMUKH
GUWAHATI-09.

6:THE CIRCLE OFFICER
GOROIMARI REVENUE CIRCLE
P.O- TUKRAPARA

PS- CHHAYGAON

DIST- KAMRUP
ASSAM.
PIN- 781137.

7:THE CIRCLE OFFICER
CHAMARIA REVENUE CIRCLE
PS- BOKO

DIST- KAMRUP
ASSAM.
PIN-781136.

8:THE SUPERINTENDENT OF POLICE
KAMRUP AT AMINGAON
GUWAHATI-31.

9:M/S B. N. ENTERPRISE
REPRESENTED BY ITS PROPRIETOR NAMELY SRI BRAJA KISHORE
SARMA
R/O- WARD NO. 25
ARUNODOI PATH
PO- HENGRABARI
PS- DISPUR
DIST- KAMRUP (M)
ASSAM.PIN-781036.

10:SULEIMAN ALI @ SOLEMAN
SON OF ALAM CHAND

11:ABUL KALAM AZAD

SON OF LATE HAMED ALI

BOTH ARE RESIDENT OF TOPAR PATHER. PO- TOPAR PATHER
PS- CHHAYGAON

DIST- KAMRUP
ASSAM.
PIN- 781137.

12:AKABBAR ALI

SON OF LATE INNUS ALI

RESIDENT OF SARALAR SUTI

PO- TOPAR PATHER PS- CHHAYGAON
DIST- KAMRUP
ASSAM.PIN-781137.

13:SABED ALI

SON OF MAHIRUDDIN

VILL- LATARIA BILORJAN (BARGHUL)

PO- MAHTOLI
PS- BOKO

DIST- KAMRUP
ASSAM
PIN-781136

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR. A ALI,MR S ISLAM,MR. Y ALI

Advocate for the Respondent : GA, ASSAM, SC, WATER RESOURCE,SC, FOREST

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 27.01.2026

Case taken up before the Lawazima Court.

Learned counsel Mr. S. Ahmed appears on behalf of Mr. A. Ali, learned counsel for the petitioners. Heard.

Perused the records.

Perusal of the recent office note dated 20.01.2026 reveals that notice was issued to the respondent Nos. 9, 10, 12 & 13 by way of speed post mode on 12.12.2025.

Now, in respect of the said notice issued to the respondent Nos. 9 to 13, this Lawazima Court has observed that no A/D cards or un-served notices have been received by the registry till date.

However, it appears that the postal track consignment reports regarding the above mentioned notice have been generated and annexed with the case record at **Flag-'Y' in the Part-III file.**

Further, a perusal of the said postal tracking reports reveals the following:–

Respondent No. 9:– The postal tracking report reflects that, on 16.12.2025, the notice was returned to sender by the Hengrabari S.O. due to Insufficient Address.

Respondent Nos. 10 & 12:– The postal tracking reports reflect that the respective notices have been delivered upon the respondent Nos. 10 & 12 on 20.12.2025.

Respondent No. 13:– Notice has been delivered upon the said respondent on 19.12.2025.

From the above, it may be discerned that the **service of notice in respect of the respondent Nos. 10, 12 & 13 has been completed.**

Further, in respect the respondent No. 9, it may be discerned that notice was returned un-served. Although, the un-served notice has not been received by the registry as of yet, this Lawazima Court is of the view that the petitioner shall obtain necessary instructions regarding the respondent No. 9. As such, **the petitioners are afforded 7 (seven) days time to obtain necessary instructions regarding the present address of respondent No. 9 and furnish the same before the next Lawazima Court.**

Let the matter be listed before the Lawazima Court again on 09.02.2026.

Joint Registrar (Judicial)

Comparing Assistant