

GAHC010085852021



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

Case No. : WP(C)/3671/2021

MOCHMON UDDIN AND 7 ORS
S/O. LT. JUWAID ALI, R/O. VILL. LEVERPUTA PART-I, P.S. KATIGORAH, DIST.
CACHAR, ASSAM.

2: GHULAM MUSTAFA BARBHUIYA
S/O. LT. MUHIBUR RAJA
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

3: AJIR UDDIN BARBHUIYA
S/O. LT. ABDUS SAMAD
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

4: ALIM UDDIN
S/O. LT. MOINUL HOQUE
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

5: IKBAL AHMED BARBHUIYA
S/O. LT. ABDUS SUBHAN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

6: TAJ UDDIN
S/O. LT. REKIB ALI

R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

7: ALTAF HUSSAIN
S/O. LT. ALA UDDIN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM.

8: ABDUL BASIT
S/O. LT. NURUL ISLAM
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
LAND AND REVENUE DEPTT., DISPUR, GUWAHATI-06.

2: THE DEPUTY COMMISSIONER
CACHAR
SILCHAR
PIN-788001.

3: CIRCLE OFFICER

KATIGORAH REVENUE CIRCLE
KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

4: INUS UDDIN
S/O. LT. MONTAJ ALI
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

5: FIROJ ALI
S/O. LT. A CHOUDHURY

R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

6: BABUL HUSSAIN

S/O. F. UDDIN
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805.

7: RUKON UDDIN
S/O. LT. MOIN UDDIN CHOURHURY
R/O. VILL. LEVERPUTA PART-I
P.S. KATIGORAH
DIST. CACHAR
ASSAM
PIN-788805

Advocate for the Petitioner : MR. S C BISWAS, MR. N H LASKAR, MS. A GOGOI

Advocate for the Respondent : GA, ASSAM, MS D DUTTA (R-4 TO 7), MR. H A LASKAR (R-4 TO 7), MR. S B LASKAR (R-4 TO 7), MR. A B T HAQUE (R-4 TO 7), MR. T U LASKAR (R-4 TO 7), SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.03.2026

Heard Mr. N H Laskar, learned counsel for the petitioners. Also heard Mr. H Sarma, learned Government Advocate appearing for the respondent nos. 1, 2 & 3 and Mr. A Bhattacharya, learned counsel appearing on behalf of respondent nos. 4-7.

2. The grievance of the petitioners, in the present writ petition, is that a patta land, belonging to the petitioners and duly recorded in the name of their predecessor, was, subsequently, converted to a Government khas land,

for the purpose of construction of a road over the same under the Minimum Needs Programme (MNP) Scheme. The petitioners, not having been released any compensation for the taking over their patta land, the petitioners have instituted the present writ petition.

3. An affidavit has been filed, on behalf of respondent no. 3, i.e. Circle Officer, Katigorah Revenue Circle and, therein, in paragraph 6 the following contention was raised :

“That with regards to the statements made in paragraph 2 of the writ petition the deponent state that the petitioners were the owners and possessors of land mentioned in schedule below through inheritance but during the year 1989 in conveying the order of the Deputy Commissioner, Cachar vide his No. CRS.54/88-89/73 dated 04/09/1989, the said land in question was made Khas for construction of road under MNP Scheme and as such the petitioners are found to have no title & possession over the said land as per the land records available in the Office.”

4. It is also contended that the manner in which the patta land of the petitioners was converted to Government khas land, is not very clear and also, that there is no record of acquisition of the land and/or of the petitioners, relinquishing their right over the land.

5. The above contentions raised in the affidavit filed by the respondent no. 3 reveals that the land of the petitioners was taken over by the respondent authorities without compensating them, in the matter, in any manner.

6. Mr. H Sarma, learned Government Advocate appearing for the respondent nos. 1, 2 & 3, has placed on record, the instruction received by him from the Office of the Assistant Settlement Officer, Katigorah Revenue Circle, wherein, it has been highlighted that over the period of 1988-89, the village road was constructed by the Government under the Minimum Needs Programme (MNP) Scheme by just obtaining 'Istafa Nama' from the pattadars of the lands over which the road was constructed. Thereafter, the said land was converted to Government khas land after obtaining an approval from the jurisdictional District Commissioner. Accordingly, in terms of the projection made in the instructions furnished to Mr. H Sarma, learned

Government Advocate appearing for the respondent nos. 1, 2 & 3, it is seen that it is the stand of the respondents that the land of the petitioners was taken over, basing on the 'Istafa Nama' given by them for such parting of his right over the land in question.

7. In view of the above position, the respondent no. 2 is directed to carry out an enquiry in the matter to determine the manner in which the land of the petitioners were taken over from them, for the purpose of construction of the road, in question. In the event the respondent no. 2, on making of such enquiry, comes to the conclusion that there was no process adopted for taking over the land of the petitioners and no 'Istafa Nama' was also received for the purpose from the petitioners, the Deputy Commissioner shall institute appropriate proceeding for assessing the land compensation which would now be required to be authorized to the petitioners for their patta land which was taken over from them for construction of the road, in question. The above exercise be initiated and concluded by the Deputy Commissioner within a period of 3 (Three) months from today.

8. Registry to list this matter immediately after completion of 3 (Three) months, on a date to be fixed by it.

9. A copy of the instructions placed on record by Mr. H Sarma, learned Government Advocate appearing for the respondent nos. 1, 2 & 3, is kept on record and marked as 'X' for the purpose of identification.

JUDGE

Comparing Assistant