

GAHC010085852021



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

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05.06.2023

Heard Mr. N.H. Laskar, learned counsel for the petitioners; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue Department for the respondent no. 1; Mr. B. Deuri, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3; and Mr. A.B.T. Hoque, learned counsel for the respondent nos. 4 - 7.

2. The petitioners have instituted this writ petition aggrieved by a notice dated 09.04.2021 issued by respondent no. 3. By the notice dated 09.04.2021, the

respondent no. 3 asked some of the petitioners to be present on the date, notified therein, for the purpose of demarcation of one MNP road of Village – Niz Leverputa Part-I, Pargona-Leverputa covered by Dag nos. 17, 18, 53, 50, 49, 149, 150, 151, 152, 155, 187, 181, 192 on 20.04.2021.

3. Mr. Hoque, learned counsel for the respondent nos. 4 - 7 has submitted that the petitioners are in unauthorized occupation of the lands covered by the afore-mentioned dag nos. and because of such unauthorized occupation by the petitioners, the village road could not be constructed.

4. Mr. Deuri, learned Junior Government Advocate, Assam has submitted that the lands covered by Dag no. 49, 149, 150, 151, 152 & 155 are Government khas lands and the petitioners have no title over the lands covered by those dag numbers. He has placed a communication dated 06.04.2022 of the respondent no. 3 in support of his submission.

5. In view of the above submissions made by the learned counsel for the parties, the petitioners shall file an additional affidavit to support their contentions that they have any kind of title in respect of the plots of land covered by dag nos. mentioned in the affidavit dated 09.04.2023.

6. The learned counsel for the petitioners is granted 2 [two] weeks' time to file such additional affidavit.

7. List the case after 2 [two] weeks.

JUDGE

Comparing Assistant