

GAHC010087612026



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

Case No. : WP(C)/2400/2026

MAKADDAS ALI ALIAS MAKADDACH ALI AND OTHRS
S/O- ANI MIYA

2: ABDUL JALIL
S/O SAMED ALI

3: ALI RAJA
S/O RASID ALI

4: BABUL HUSSAIN
S/O MANTAJ ALI

5: ABDUL AJIM
S/O AMIN ALI

6: ZAKIR HUSSAIN
S/O MANTAJ ALI

7: ABDUL KALAM
S/O NOOR UDDIN

8: RAHIM UDDIN
S/O ABDUL JALIL

9: ABDUL JALIL
S/O ATBAR RAHMAN

10: AZIZUR RAHMAN
S/O ABDUL GAFUR

11: KAMAL UDDIN
S/O ABDUR RAHMAN

12: MICHIR ALI

S/O FAYAJ ALI

13: MUJIBUR RAHMAN
S/O ABDUL GOFUR

14: SAMSUN NESSA
W/O AMIR UDDIN

15: FAKKI BIBI
W/O KASEM ALI

16: BAHAR UDDIN
S/O ASMAN ALI

17: ABDUL KADIR
S/O ATABUR RAHMAN

18: MAYNUL HOQUE
C/O MAKADDAS ALI

19: ABDUL NOOR
S/O ATABUR RAHMAN

20: ABDUL MOTIN
S/O ABDUL JABBAR

21: SAYAR ALI
S/O AMIR ALI

22: NASIR UDDIN
S/O JALAL UDDIN

23: SAMSUL HAQUE
S/O IDRIS ALI

24: ABDUL KARIM
S/O MOIN UDDIN

25: ROIS ALI
S/O FAYAJ ALI

26: SHWARIF UDDIN
S/O ABDUL HAQUE

27: FAKHRUL ISLAM
S/O FAKI MIYAN

28: RAJAB ALI

S/O ABDUL MANNAN

29: AZIZUL HAQUE
S/O ABDUL KHALIK

30: NEJAM UDDIN
S/O ABDUL HAMID

31: SHORIF UDDIN
S/O ABDUL LATIF

32: SOIDUR RAHMAN
S/O IDRIS ALI

33: SURUJ ALI
S/O MUJOI MIYA

34: ABDUL WAHID
S/O HARUN RASHID

35: AKLAS UDDIN
S/O ABDUR RAHMAN

36: ISLAM UDDIN
S/O JAMIR ALI

37: ABDUL ALI
S/O MUJAMIL ALI

38: ABDUL KARIM
S/O JUBAID ALI

40: NAZRUL ISLAM
S/O ABDUR RAHMAN

41: ASAB UDDIN
S/O ABDUL HAQUE

43: SAFIQR RAHMAN
S/O TABARAK ALI

44: IJAJAD ALI
S/O MEKHAI MIYAN

45: ABDUL HANNAN
S/O OMAR ALI

46: AMIR UDDIN

S/O ABDUL HAQUE

47: YUSUB ALI
S/O TAYAB ALI

48: ISLAM UDDIN
S/O ABDUL NOOR

49: USMAN ALI
S/O IJJAD ALI

50: BABUL HUSSAIN
S/O ABDUL KADIR

51: AJIJUR RAHMAN
S/O ABDUL KALAM

52: ABDUL JABBAR
S/O MASHAID ALI

53: AINUL HAQUE
S/O IDRIS ALI

54: FULJAN BIBI
W/O ATABUR RAHMAN

55: AYAS ALI
S/O ABDUL HAQUE

56: ABDUL KALAM
S/O ABDUL WAHID

57: ABDUL KALAM
S/O SIDDIQUE ALI

58: MUBARAK ALI
S/O AYUB ALI

59: PIYARUN NESSA
W/O HANIF ALI

60: AYARUN NESSA
W/O HUSSAIN AHMED

61: AKADDAS ALI
S/O ANI MIYAN

62: AYBUR RAHMAN

S/O ABDUL ALI

63: SHARIF UDDIN
S/O ABDUL HASIM

65: FARIZ UDDIN
S/O ASMAN ALI

66: FATIMA BEGUM
W/O BASIR UDDIN

68: FARIJ UDDIN
S/O TABARAK ALI

69: KUTIL AHMED
S/O SIDDIQUE ALI

70: ABDUL MATIN
S/O TABARAK ALI

71: KULSUMA BEGUM
W/O WATIR ALI

72: JALAL UDDIN
S/O MONUHAR ALI

73: EAKARAM HUSSAIN
S/O ABDUL SHUKKUR

74: ATIM ALI
S/O MUDRIS ALI

75: FAIJUL HAQUE
S/O ABDUL SUKUR

76: ABDUL HASIM
S/O ABDUL MAJID

77: JIAUL HAQUE
S/O ABDUL SUKUR

78: EAKALACH UDDIN
S/O ABDUL HASIB

79: SIRAJ UDDIN
S/O YAKUB ALI

80: FARUL AHMED

S/O JIYABUR RAHMAN

81: ABDUR RAHMAN
S/O IRMAN ALI

82: LUTFUR RAHMAN
S/O AKRAM ALI

83: ABADUR RAHMAN
S/O LUTFUR RAHMAN

84: ABDUL MANIK
S/O INTAJ ALI

85: MOINUL HAQUE
S/O ABDUL SUKUR

86: NAZRUL ISLAM
S/O LUTFUR RAHMAN

87: BIBI AYSHA BEGUM
W/O RAKIB SHIKH

88: JALAL UDDIN
S/O ANJAD ALI

89: KHAIRUL ISLAM
S/O FAKKI MIYAN

90: ABDUR RAHIM
S/O TAJMUL ALI

91: FOKRUL ISLAM
S/O AZIR UDDIN

92: JIYABUR RAHMAN
S/O JALAL UDDIN

93: SAIF UDDIN
S/O ALA UDDIN

94: MOIN UDDIN
S/O HABIB ALI

96: FOKAR UDDIN LASKAR
S/O RIAZ UDDIN LASKAR

97: MD HABIB ALI

S/O MD. IZZAD ALI

98: MOIN UDDIN
S/O ABDUL SUKUR

99: ABDUL HASIM
S/O JUBAID ALI

100: KALA RAJA
S/O RASHID ALI

101: ABDUL KARIM
S/O ALIM UDDIN

102: ISHAK ALI
S/O ABDUR RAHMAN

103: ALIM UDDIN MAJUMDAR
S/O EANAJAT ULLAH MAJUMDAR ALL ARE RESIDENTS OF VILL- UDMARI
P.S- DOBOKA
SUB- DIVISION- HOJAI
DIST- HOJAI
ASSAM
PIN- 782440

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, JANATA BHAWAN, DISPUR, GUWAHATI- 781006

2: ADDITIONAL SECRETARY
NATIONAL DISASTER MANAGEMENT AUTHORITY
MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NMDA BHAWAN
A-1 SAFDERJUNG ENCLAVE
NEW DELHI-110029.

3: COMMISSIONER AND SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GOVT. OF ASSAM
JANATA BHAWAN
DISPUR
GUWAHATI-781006

4: THE DISTRICT COMMISSIONER
HOJAI

SANKARDEV NAGAR
HOJAI
ASSAM
PIN-782442.

5:THE CIRCLE OFFICER
DOBOKA REVENUE CIRCLE
DOBOKA TOWN
ASSAM 782440

6:DIVISIONAL FOREST OFFICER
SOUTH NAGOAN FOREST DIVISION
PACHIM DHANIRAM PATHER
ASSAM 782436.

7:PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE
HENGERABARI
DISPUR
GUWAHATI-6.

8:JOINT DIRECTOR OF HEALTH SERVICES
HOJAI
PAM GAON
ASSAM 782442

9:THE DIRECTORATE OF ELEMENTARY EDUCATION
KAHILIPARA MAIN RD
MULA GABHARU PATH
KAHILIPARA
GUWAHATI
ASSAM 781019.

10:DIRECTORATE OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
GS RD
OPP. BIG BAZAR
BHANGAGARH
GUWAHATI
ASSAM 781032.

11:SPECIAL CHIEF SECRETARY TO THE GOVT OF ASSAM
PUBLIC HEALTH ENGINEERING
WATER RESOURCES

GOVT. OF ASSAM
SECRETARIAT

DISPUR
GUWAHATI 781006

12:FLOOD AND RIVER EROSION MANAGEMENT AGENCY
4TH FLOOR
ASSAM WATER CENTRE
CHARIALI
CHARALI
BASISTHA
GUWAHATI
ASSAM 78102

Advocate for the Petitioner : MR. M H ALI, MR. A R DAS,MR. S M MUNIR,MR. Z KHALID

Advocate for the Respondent : GA, ASSAM, DY.S.G.I.,SC, ELEM. EDU,SC, P H E,SC,
FOREST,SC, HEALTH,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11.05.2026

Heard Mr. Z. Khalid, learned counsel for the petitioners; Mr. H.K. Hazarika, learned Junior Government Advocate, Assam for the respondent nos. 1, 4, 5, 10 & 12; Mr. S.S. Roy, learned Central Government Counsel [CGC] for the respondent no. 2; Mr. R. Borpujari, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 3; Mr. I. Borthakur, learned Standing Counsel, Forest Department & PHE for the respondent nos. 6 & 11; Mr. M. Bhuyan, learned counsel on behalf of Mr. B. Gogoi, learned Standing Counsel, Health & Family Welfare Department for the respondent nos. 7 & 8; and Mr. G. Pegu, learned Standing Counsel, Elementary Education Department for the respondent no. 9.

2. The petitioners, 98 in nos., have projected that they have been evicted from areas allegedly within Jamuna Moudanga River Reserve Forest, pursuant to an eviction process initiated by a Notice dated 10.10.2025. The petitioners have stated that the eviction process was carried out on 02.01.2026. Because of the eviction process, the petitioners are compelled to take shelter in periodic patta lands situated nearby to their earlier places of residence. The

petitioners have stated that presently, they are residing in makeshift camps in parcels of periodic patta lands belonging to persons of Villages – Udmari, Pachim Jamunagaon and Pub Jamunagaon. The petitioners have stated that in the makeshift camps, the respondent authorities have not provided proper facilities like potable water, sanitation, food grains, etc. till date.

3. Mr. Khalid, learned counsel for the petitioners has submitted that in case of similarly situated evicted persons, this Court has directed, by way of an interim direction, the respondent authorities to provide some of the basic facilities. He has referred to an Order dated 18.02.2026 passed W.P.[C] no. 888/2026..

4. The learned counsel appearing for the respondent authorities have submitted that the case of the petitioners in W.P[C] no. 888/2026 are not similar to the case of the present petitioners, as the petitioners therein were evicted from a wetland and they had represented that they had taken shelter in a makeshift arrangement in a compact plot of periodic patta land. However, in the case of the present petitioners, it is evident from the statement made in Paragraph 9 of the writ petition that the petitioners are residing presently at different places in three villages, namely, Udmari, Pachim Jamunagaon and Pub Jamunagaon.

5. In the Order 18.02.2026, the Court as an interim measure, directed the State respondent authorities to ensure proper potable water facilities; to provide adequate rations on the basis of ration cards from Fair Price Shops; to extend primary health care services; and to set up proper temporary sanitation mechanism in the compact plot of land. As the statement that the petitioners are presently residing in periodic patta lands is without further details of the periodic patta land details and considering that facilitation of basic services would require involvement of manpower and other logistics, the petitioners shall file an additional affidavit identifying the specific details of periodic patta lands where they are presently residing. Such affidavit should be filed within a period of 1 [one] week from today.

6. List the case on 20.05.2026.

JUDGE

Comparing Assistant