

GAHC010096012026



undefined

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

**Case No. : WP(C)/2673/2026**

JAHAR ALI AND 16 ORS  
S/O ACHER ALI ALIAS ASER UDDIN.  
RESIDENT OF VILLAGE- CHARUABAKHRA, JUNGLE BLOCK, P.O.  
CHIRAKUTA, P.S. CHAPAR, DISTRICT- DHUBRI, ASSAM, PIN- 783348

2: SAMSUL HOQUE  
S/O AB RAHMAN  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

3: AKBAR ALI  
S/O MAKADAM ALI  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

4: OSMAN ALI  
S/O RAIJUDDIN  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

5: ALI HUSSAIN  
S/O MAKADAM ALI  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

6: RUPBHANU NESSA  
W/O NURUL ISLAM  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

7: UMED ALI  
S/O ABDUL WAHAB  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

8: SUJAL HOQUE  
S/O ALI AKBAR  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

9: AJAHAR ALI  
S/O ALI AKBAR  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI

ASSAM  
PIN- 783348

10: SOAGI KHATUN  
W/O SARBESH ALI

11: JOYNAL ABEDIN  
S/O KABED ALI

RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

12: SAHID ALI  
S/O JAFAR ALI  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

13: SONA UDDIN  
S/O JAFAR ALI  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

14: FORIDA KHATUN  
W/O MAHIRUDDIN SHEIKH  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

15: JAMELAN KHATUN

W/O SONA UDDIN  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

16: AYNAL HOQUE  
S/O MOKSED ALI

17: ABDUL BAREK  
S/O JANIK ULLA MUNSHI  
RESIDENT OF VILLAGE- CHARUABAKHRA  
JUNGLE BLOCK  
P.O. CHIRAKUTA  
P.S. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 78334

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT  
DEPARTMENT, DISPUR, GUWAHATI- 06

2: THE DISTRICT COMMISSIONER OF DHUBRI  
DISTRICT AT DHUBRI  
P.O. AND DISTRICT- DHUBRI  
PIN- 783301

3: THE CIRCLE OFFICER  
CHAPAR REVENUE CIRCLE  
P.O. CHAPAR  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783371

4: THE COMMISSIONER OF BILASIPARA CO-DISTRICT  
P.O BILASIPARA  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

5: THE ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)

REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR  
BIJULEE BHAWAN  
PALTANBAZAR  
GUWAHATI  
DISTRICT-0 KAMRUP(M)  
ASSAM  
PIN- 781001

6:THE CO-DISTRICT LAND ADVISORY COMMITTEE  
BILASIPARA  
REPRESENTED BY ITS CHAIRMAN/ CO-DISTRICT COMMISSIONER OF  
BILASIPARA  
P.O.- BILASIPARA  
DISTRICT- DHUBRI  
ASSAM  
PIN- 783348

7:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
DEPARTMENT OF POWER  
DISPUR  
GUWAHATI- 0

**Advocate for the Petitioner** : MR. M A SHEIKH, MS F INTAZ,MS S A KHALIFA,MR. W A SHEIKH

**Advocate for the Respondent** : GA, ASSAM, SC, APDCL,SC, REVENUE

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 22.05.2026**

Heard Mr. M.A. Sheikh, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent no. 1; Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2, 3, 4, 6 & 7; and Mr. A. Chakraborty, learned counsel on behalf of Mr. K.P. Pathak, learned Standing Counsel, APDCL for the respondent no. 5.

2. In this writ petition, the petitioners, 17 in nos., joined together to espouse a common cause. The petitioners have stated that the predecessors-in-interest of some of the

petitioners and the remaining petitioners themselves being landless persons, were in occupation of different parcels of land, as mentioned in Schedule - A to Schedule - Q to the writ petition. From the Schedule - A to Schedule Q of the writ petition, it transpires that the petitioners were in possession of different parcels of land measuring from 1 Bigha to 7 Bighas under different Dag nos. at Revenue Village – Charuabakhra Jungle Block, Chapor Revenue Circle, District – Dhubri, Assam.

3. It is the case of the petitioners that they were in occupation of those parcels of land since about many decades by paying Touzi Bahira revenue and in support of such claim, they have annexed a number of revenue receipts regarding payment of Touzi Bahira revenue in respect of the parcels of land. It is stated that they were in possession of the parcels of land by constructing their dwelling houses and also, were carrying out cultivation. The petitioners have stated that as they are eligible, being landless, to be settled with Government khas and ceiling surplus lands, they submitted applications for settlement of those parcels of land in terms of a Notification dated 11.11.2022 of the Revenue and Disaster Management Department, Government of Assam, which was notified in accordance with the Land Policy, 2019.

4. By different Orders, dated 05.04.2025, 02.04.2025, 07.04.2025, 24.07.2025, annexed as Annexure - 13 to Annexure - 29 to the writ petition, the applications filed by the petitioners for settlement were rejected. The petitioners have pointed out that the respondent no. 6 on 26.03.2025 and dated 02.04.2025, recommended allotment of a parcel of land measuring 500 Bighas in favour of the respondent no. 5 and by such recommendation, the parcels of land measuring 500 Bighas has been converted into Kheraj Periodic Patta Land by an Order dated 29.12.2025 by the respondent no. 3. The parcels of land in respect of which the petitioners had applied for settlement, is a part of the 500 Bighas, which have been so converted.

5. It is the contention of the petitioners that as they are landless persons and were in occupation of the parcels of land mentioned in Schedule - A to Schedule - Q in the writ petition for about 50 years by constructing dwelling houses and they do not have alternative

lands, the impugned Orders [that is, Annexure 13 – 19] being illegal and arbitrary, are liable to be set aside as they were passed in violation of the provisions of the Land Policy – 2019. It is further contended that the respondent no. 5 has been allotted 500 Bighas of land in an illegal manner. The petitioners have also sought for an interim relief in the form of status quo over the parcels of land, mentioned Schedule - A to Schedule - Q to the writ petition. In support of interim relief, the learned counsel for the petitioners have referred to an Order dated 31.03.2026 passed in W.P.[C.] no. 1793/2026.

6. The learned counsel for the State respondents have referred to another Order dated 08.05.2026 passed in W.P.[C] no. 2363/2026, wherein in respect of the petitioners therein, similarly situated like the petitioners herein, no interim relief has been extended.

7. The matter would require further consideration.

8. Issue notice, returnable on 19.06.2026.

9. As Ms. Bordoloi has appeared and accepted notice on behalf of the respondent no. 1; and Mr. Goswami has appeared and accepted notices on behalf of the respondent nos. 2, 3, 4, 6 & 7; and Mr. Chakraborty has appeared and accepted notice on behalf of the respondent no. 5, issuance of formal notice in respect of the said respondents stand dispensed with. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Bordoloi, Mr. Goswami and Mr. Chakraborty within 3 [three] working days from today.

10. The Court has given due consideration to the submission advanced in support of the interim prayer and also perused the contents of the two orders, mentioned above. The petitioners have themselves mentioned that they were in possession of the parcel of land mentioned in Schedule - A to Schedule - Q to the writ petition, since long by paying Touzi Bahira revenue and on 08.06.2025, they have been evicted from those parcel of land, mentioned in Schedule - A to Schedule - Q to the writ petition. It is now submitted on behalf of the petitioners that after being so evicted on 08.06.2025, they are still in possession of

those parcels of land, mentioned in Schedule - A to Schedule - Q to the writ petition. After being evicted on 08.06.2025 by an eviction process, no challenge has been made in this writ petition as regards the said eviction process. The petitioners have only assailed the rejection of their applications for settlement by orders, mentioned hereinabove, and allotment of 500 Bighas of land by the responding authorities in favour of the respondent no. 5. The petitioners have claimed that they are in possession of the parcel of land mentioned in Schedule - A to Schedule - Q as on date after being evicted therefrom on 08.06.2025. Then, it goes to indicate that there has been a re-entry of the petitioners in the parcels of land after being evicted by the eviction process, which is not challenged in this writ petition. In such obtaining facts and circumstances, the interim order sought for in the form of status quo is not called for.

**JUDGE**

**Comparing Assistant**