

GAHC010101402023



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

Case No. : WP(C)/2688/2023

FARMAN ALI AND 8 ORS.
VILLAGE CHITALMARI PATHAR, P.O- CHITALMARI BILL, P.S.- JURIA, DIST-
NAGAON, PIN- 782124.

2: ALIMAN NESSA
W/O .FARMAN ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

3: HASSEN ALI
S/O. MAMUD ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

4: JALAL UDDIN
S/O. SURHAB ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

5: IBRAHIM ALI @ IBRAHIM KHALIL

S/O. AMIR UDDIN
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA

DIST- NAGAON
PIN- 782124.

6: KAMAL UDDIN

S/O. SURHAB ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

7: ABDUL HANNAN

S/O INNUS ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

8: SHEKH FARID

S/O. NAYEB ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124.

9: EMRAN HUSSEN

S/O. HATEM ALI
VILLAGE CHITALMARI PATHAR
P.O- CHITALMARI BILL
P.S.- JURIA
DIST- NAGAON
PIN- 782124

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM

HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM

FOREST DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE

ASSAM
PANJABARI
GUWAHATI- 781037.

5:THE DEPUTY COMMISSIONER

DIST- NAGAON
ASSAM
PIN - 782001.

6:THE ADDITIONAL DEPUTY COMMISSIONER
(REVENUE)

DIST- NAGAON
ASSAM
PIN - 782001.

7:THE DEPUTY COMMISSIONER

SONITPUR
ASSAM
PIN- 782124.

8:THE CIRCLE OFFICER
RUPAHI REVENUE CIRCLE

DIST- NAGAON
ASSAM
PIN- 782124.

9:THE DIVISIONAL FOREST OFFICER

NAGAON WILDLIFE DIVISION AND DEPUTY DIRECTOR

KAZIRANGA TIGER PROJECT
KATIMARI
NAGAON
782002

Advocate for the Petitioner : MR. M S ALAM

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 19.05.2023

Heard Mr. S. Alom, learned counsel for the petitioners; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue Department for the respondent no. 1; Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2, 5, 6, 7 & 8; and Mr. S.M. Hassan, learned Standing Counsel, Forest Department for the respondent nos. 3, 4 & 9.

The petitioners, 9 [nine] in nos., have claimed that they are permanent residents of Village – Chitalmari Pathar, District – Nagaon, Assam. According to them, they have been living in their respective plots of lands, which are Myadi Patta lands, by constructing houses/structures thereon.

By referring to the particulars of the plot of lands, mentioned in the paragraph 2 of the writ petition, Mr. Alom has submitted that the petitioners have been evicted illegally by the respondent Forest Department authorities on 16.02.2023 from those Myadi Patta lands without serving any notice in February, 2023.

Issue notice, returnable in 3 [three] weeks.

As Mr. Bhattacharjee, learned Standing Counsel, Revenue Department has appeared and accepted notice on behalf of the respondent no. 1; Mr. Goswami, learned Junior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 2, 5, 6, 7 & 8; and Mr. Hassan, learned Standing Counsel, Forest Department has appeared and accepted notice on behalf of the respondent nos. 3, 4 & 9, no formal notices need to be issued to the said respondents. Mr. Alom, learned counsel for the petitioners shall, however, furnish requisite nos. of extra copy of the writ petition along with annexures, to Mr. Bhattacharjee, Mr. Goswami and Mr. Hassan within 3 [three] working days from today.

Mr. Alom has submitted that the respondent authorities are contemplating to undertake another eviction process to evict the petitioners from their remaining Myadi Patta lands, where they are presently staying.

It is observed that if the petitioners are presently staying in Myadi Patta lands, then the petitioners are not to be evicted by the respondent authorities from such Myadi Patta lands belonging to the petitioners, till the returnable date.

JUDGE

Comparing Assistant