

GAHC010101642026



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

Case No. : WP(C)/2762/2026

ASHRAFUL HOQUE AND 3 ORS
S/O-SAFAR UDDIN SHEIKH, VILL-SHER NAGAR, P.O. AND P.S - AGOMONI,
DIST- DHUBRI, ASSAM, PIN-783335.

2: RASHIDUL HOQUE

S/O-SAFAR UDDIN SHEIKH
VILL-SHER NAGAR
P.O. AND P.S - AGOMONI
DIST- DHUBRI
ASSAM
PIN-783335.

3: SAFAR UDDIN SHEIKH
S/O. LT. PAN MAMUD
VILL- SHER NAGAR
P.O. AND P.S - AGOMONI
DIST- DHUBRI
ASSAM
PIN-783335.

4: NOJRUL HOQUE

S/O-LT. KHABIR UDDIN SK.
VILL-SHER NAGAR
P.O. AND P.S - AGOMONI
DIST- DHUBRI
ASSAM
PIN-783335

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTEDBY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,

DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DISTRICT COMMISSIONER

DHUBRI
P.O. AND DIST- DHUBRI
ASSAM
PIN- 783301.

4:SUPERINTENDENT OF POLICE

DHUBRI
P.O. AND DIST- DHUBRI
ASSAM
PIN- 783301.

5:THE CO-DISTRICT COMMISSIONER

GOLAKGANJ
P.O-GOLAKGANJ
P.S-GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN- 783334.

6:THE CIRCLE OFFICER

AGOMANI REVENUE CIRCLE
AGOMANI
P.O-AGOMANI
P.S-AGOMANI
DIST- DHUBRI
ASSAM
PIN- 783334.

7:THE OFFICER-IN-CHARGE
OF AGOMONI POLICE STATION

P.O-AGOMANI
P.S-AGOMANI
DIST- DHUBRI
ASSAM
PIN- 783334.

8:SORHAB ALI SARKER
S/O-LT. SOBAHAN SARKER
VILL-SHER NAGAR
P.O-AGOMANI
P.S-AGOMONI
DIST- DHUBRI
ASSAM
PIN-783335

Advocate for the Petitioner : MR A ISLAM, MR J C BORAH,E HUSSAIN,MR A SHARMA

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

29.05.2026

Heard Mr. A. Islam, learned counsel for the petitioners; Mr. N. Das, learned Junior Government Advocate, Assam for the respondent nos. 1, 3, 4, 5, 6 & 7; and Mr. A. Bhattacharya, learned Standing Counsel, Revenue Department for the respondent no. 2.

2. The petitioners, four in nos., have joined together to institute the instant writ petition stating that they have a common cause of action. On 26.09.2025, the respondent no. 6 served a notice upon the petitioners stating inter alia that the petitioners had illegally constructed a polythene shed house at two plots of land measuring – 1 Bigha 4 Kathas 5 Lessas and 4 Kathas 12 Lessas – covered by Dag no. 906 and Dag no. 907 under Khiraj Periodic Patta nos. 174 and 261, at Village – Sher Nagar, Agomani Revenue Circle, Dhubri [‘the subject-plots’, for short]. After serving the said notice, the respondent no. 6 passed an Order on 06.11.2025 whereby the respondent no. 6 directed for eviction of the petitioners from the subject-plots also communicated the Order dated 06.11.2025 to the respondent no. 5. The respondent no. 5 did not interfere with the Order dated 06.11.2025 of the respondent no. 6 and by an Order dated 04.12.2025 approved the same.

3. The petitioners had thereafter, preferred an appeal under Section 147 read with Section 151 of the Assam Land and Revenue Regulation, 1886 on 23.12.2025 seeking setting aside of the Order dated 06.11.2025 passed by the respondent no. 6 and the Order dated 04.12.2025 passed by the respondent no. 5. Despite acknowledging receipt of the appeal on 23.12.2025, the respondent no. 3 has not registered the appeal and proceeded with the matter. The petitioners have stated that after the Order dated 04.12.2025 of the respondent no. 5, they have been evicted from the periodic patta land forcefully under the supervision of the respondent no. 4 and at the instance of the respondent no. 8.

4. Mr. Islam, learned counsel appearing for the petitioners has submitted that the respondent nos. 3 to 6 have no authority and jurisdiction to evict the petitioners from the subject-plots as they are periodic patta lands. The said respondents did not have any authority and jurisdiction to pass an order of eviction of private persons like the petitioners from periodic patta lands of the respondent no. 8 and as such, both the Order dated 06.11.2025 of the respondent no. 8 and Order dated 04.12.2025 passed by the respondent no. 5 are without authority and jurisdiction and therefore, illegal.

5. Issue notice, returnable on 20.07.2026.

6. As Mr. Das, learned Junior Government Advocate, Assam has appeared and accepted notices on behalf of the respondent nos. 1, 3, 4, 5, 6 & 7; and Mr. Bhattacharya, learned Standing Counsel, Revenue Department has appeared and accepted notices on behalf of the respondent no. 2, issuance of formal notice to the said respondents is dispensed with. Mr. Islam shall furnish requisite nos. of extra copies of the writ petition along with the annexures to Mr. Das and Mr. Bhattacharya within 2 [two] working days from today.

7. The petitioners shall take steps for service of notice upon the respondent no. 8 by speed post within 2 [two] working days from today.

8. Having prima facie satisfied on the ground that the respondent no. 5 and the respondent no. 6 have no authority and jurisdiction to pass an order of eviction of private

persons like the petitioners from the periodic patta land of the respondent no. 8, it is ordered, in the interim, that the impugned Order dated 06.11.2025 [Annexure-2] and the impugned Order dated 04.12.2025 [Annexure-2A] shall remain stayed until further orders.

9. List the case on 20.07.2025.

JUDGE

Comparing Assistant