

GAHC010105942026



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

Case No. : CRP/77/2026

SMTI BASANTI DEVI AND 4 ORS.
WIFE OF LATE GIRINDRA SINGH, RESIDENT OF VILLAGE- BORKOLA,
POST OFFICE- SIMALUGURI, POLICE STATION- SIMALUGURI, DISTRICT
OF SIVASAGAR, ASSAM, PIN- 785686

2: GAUTAM SINGH
SON OF LATE GIRINDRA SINGH
RESIDENT OF VILLAGE- BORKOLA
POST OFFICE- SIMALUGURI
POLICE STATION- SIMALUGURI
DISTRICT OF SIVASAGAR
ASSAM
PIN- 785686

3: BASUDEV SINGH
SON OF LATE GIRINDRA SINGH
RESIDENT OF VILLAGE- BORKOLA
POST OFFICE- SIMALUGURI
POLICE STATION- SIMALUGURI
DISTRICT OF SIVASAGAR
ASSAM
PIN- 785686

4: PROBHAT SINGH
SON OF LATE GIRINDRA SINGH
RESIDENT OF VILLAGE- BORKOLA
POST OFFICE- SIMALUGURI
POLICE STATION- SIMALUGURI
DISTRICT OF SIVASAGAR
ASSAM
PIN- 785686

5: PRASANTA SINGH
SON OF LATE GIRINDRA SINGH
RESIDENT OF VILLAGE- BORKOLA

POST OFFICE- SIMALUGURI
POLICE STATION- SIMALUGURI
DISTRICT OF SIVASAGAR
ASSAM
PIN- 78568

VERSUS

SMTI MRIDULA GOGOI (BORGOHAIN)
WIFE OF SHRI THANESWAR BORGOHAIN, RESIDENT OF JOYSGAR,
GODADHAR NAGAR, POLICE STATION- SIVASAGAR, DISTRICT-
SIVASAGAR, ASSAM, PIN-785665

Advocate for the Petitioner : MR. T DEURI, U BHARADWAJ,MS. L WANGSA,MR. DEBANUJ
DUTTA,MR. K K DUTTA,MRS. R S DEURI

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
ORDER

03.06.2026

Heard Mr. T. Deuri, learned counsel for the petitioners.

2. By filing this application under Article 227 of the Constitution of India, the petitioners, who were the respondents in the proceedings of Special (LG) Case No.1/2019 has assailed the impugned judgment and order dated 24.03.2026 passed by the learned Additional District & Sessions Judge, FTC-cum- Presiding Officer, Special Tribunal (Land Grabbing), Sivasagar. By the said order, the learned Special Tribunal had declared the right, title and interest in favour of the respondent and also issued a direction to the respondent for putting into possession of the land through the process of the Court.

3. The learned counsel for the petitioners has submitted that the learned Special Tribunal (Land Grabbing) is not empowered to declare right, title and interest in favour of the respondent and therefore, he has submitted that the

said impugned judgment and order is not sustainable in law as well as on facts.

4. Issue notice, returnable on 24.07.2026.

5. The petitioners shall take steps within two days for service of notice upon the respondent by speed post with A/D.

6. Having regard to the nature of the pleadings and evidence on record, it is seen that specific finding is recorded by the Commissioner, which is recorded in the impugned order to the effect that the disputed land is having area covered by 0 bigha, 1 katha and 4 lecha with definite boundaries as mentioned in paragraph 7 of the impugned judgment and order, further stating that since the last 3 years, the petitioners have set up a bamboo fencing around the plot of land and is lying unutilized. Thus, having noticed that the respondent has been able to demonstrate entitlement to possession of the land, while not interfering with the order in so far it relates to putting the respondent into possession but as the learned Special Tribunal (Land Grabbing), Sivasagar, has also declared the right, title and interest in favour of respondent over the scheduled land, this Court is inclined to stay that part of the impugned judgment and order dated 24.03.2026, passed by the learned Additional District & Sessions Judge, FTC-cum- Presiding Officer, Special Tribunal (Land Grabbing), Sivasagar in Special (LG) Case No.1/2019 to the extent of declaring right, title and interest of the respondents over the land in question.

7. List on 24.07.2026.

JUDGE

Comparing Assistant