

GAHC010114982026



2026:GAU-AS:7916

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

**Case No. : WP(C)/2999/2026**

SRI H KHELENDRAJIT SHARMA  
SON OF- LATE H. MANI SHARMA,  
RESIDENT OF- DR. B.R. AMBEDKAR NAGAR, ULUBARI BIRUBARI,  
GUWAHATI, ASSAM, PIN-781016.

VERSUS

THE STATE OF ASSAM AND ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM,REVENUE AND DISASTER MANAGEMENT  
DEPARTMENT, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-781005

2:THE DISTRICT COMMISSIONER  
KAMRUP (M)  
GUWAHATI- 781001  
ASSAM  
HENGERABARI  
GUWAHATI

3:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
GUWAHATI-781001  
ASSAM

4:THE CO- DISTRICT COMMISSIONER  
NEW GUWAHATI CO DISTRICT  
GUWAHATI  
(LAND SETTLEMENT BRANCH)

**Advocate for the Petitioner** : MR K JAIN, MR ARINDAM BARUAH,MR. D K JAIN

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

**BEFORE  
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 06.06.2026**

Heard Mr. D.K. Jain, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned standing counsel for the Revenue and Disaster Management Department, representing respondent No. 1, and Mr. N. Kalita, learned Government Advocate, representing respondent Nos. 2, 3 and 4.

2. The petitioner projects that he is in occupation of 1 katha 5 lecha of land at the outside the TB Hospital at Birubari, Guwahati, and on being threatened with eviction, the petitioner had approached this Court earlier by filing WP(C) No. 7389/2022. This Court by a common judgment and order dated 07.11.2024, passed in WP(C) No. 7389/2022 and other connected cases, had disposed of the said batch of write petitions. The operative part of the order at paragraph-50 is quoted below:

*“50. Accordingly, this Court therefore, disposes of the instant batch of these writ petitions with the following observations and directions:*

*(i) The impugned notices under Rule 18 so issued to the petitioners to vacate shall be construed as notices issued by the Circle Officer, Guwahati Revenue Circle, to show cause why the petitioners should not be evicted by taking recourse to Rule 18 of the Settlement Rules.*

*(ii) The petitioners in the present batch of writ petitions are given the liberty to*

*submit individual replies and substantiating the same with documents and such evidence as deemed proper thereby showing cause that the petitioners have a bona fide claim of right involved in respect to the land under their occupation and as such the recourse to Rule 18 of the Settlement Rules is not permissible.*

*(iii) The liberty given above is to be exercised within 30*

*(thirty) days, from the date of the instant order. In the said replies, the petitioners herein shall indicate in which writ petition, the petitioner(s) were parties.*

*(iv) The Deputy Commissioner, Kamrup (M) is directed to give an opportunity of hearing to the petitioners either personally or through their authorized representative(s). The Deputy Commissioner, Kamrup (M) shall thereupon pass appropriate speaking orders. The Deputy Commissioner, Kamrup (M) is further directed to allot a particular area in his office wherein, such replies could be submitted. A notice be hanged in the Office of the Deputy Commissioner, Kamrup (M) indicating the area.*

*(v) This Court further directs that upon the speaking orders being passed, the Deputy Commissioner, Kamrup (Metro) shall notify in its notice board about the fact that the speaking order had been passed. For a period of 30 (thirty) days from such notification, no coercive measures be taken so that if the petitioners are aggrieved, they may avail remedies as permissible under law."*

3. It is submitted that pursuant to the said order, the petitioner had submitted a representation before the Deputy Commissioner, Kamrup (Metro) [now District Commissioner, Kamrup (Metro)], which was received under Sl. No. E-867070, dated 26.11.2024. It is submitted that in the said representation, the petitioner had disclosed his mobile number as 9774430588. He had also issued a reminder on 30.01.2025 that he was not called for hearing. Accordingly, the Co-District Commissioner, New Guwahati Co-District, by a notice dated 07.02.2025, directed the petitioner to appear for hearing on 11.02.2025 at 11:00 AM. It is submitted that though the petitioner was heard, no speaking order was passed. However, as fresh eviction process is being carried out in the

locality and, therefore, the petitioner apprehends eviction without due process of law.

4. Per contra, learned standing counsel for the Revenue Department has submitted that he has received telephonic instruction to the effect that the petitioner was heard on his representation on 25.02.2025 and speaking order has not been passed. It is submitted that there is every likelihood that within a reasonable time, the representation of the petitioner would be disposed of and only thereafter, the next steps would be taken by the Revenue authorities.

5. In this regard, the Court is of the considered opinion that in view of the nature of the submissions made by the learned Standing Counsel for the Revenue Department, it appears that the respondent authorities will not carry out eviction till the speaking order is passed in terms of the directions contained in the judgment and order dated 07.11.2024, passed by this Court in WP(C) No. 7389/2022 in common with other writ petitions.

6. Accordingly, it is provided that without due compliance with the said judgment and order dated 07.11.2024, referred above, the petitioner will not be evicted without following due process of law.

7. As the petitioner has disclosed his mobile number, the District Commissioner, Kamrup (Metro), Guwahati (respondent No. 2) and the Co-District Commissioner, New Guwahati Co-District (respondent No. 4) shall ensure that order, if any passed on the representation of the petitioner is served upon him in such manner as they may be so advised.

8. Accordingly, the matter stands disposed of at the motion stage without

issuance of notice on the respondents.

9. The learned Standing Counsel for the Revenue Department shall communicate a downloaded copy of this order to the concerned respondents.

10. The petitioner shall also serve a certified copy of this order before respondent No. 4 to bring the order to the notice of the said authority.

**JUDGE**

**Comparing Assistant**