

GAHC010116082021



2026:GAU-AS:2752

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

Case No. : WP(C)/3561/2021

SATYA TALUKDAR @ SATYA RAM TALUKDAR
S/O LT. MADHAB TALUKDAR, R/O VILL. AND P.O. BONGORA, P.S.
PALASHBARI, DIST. KAMRUP, PIN-781015, ASSAM

VERSUS

THE STATE OF ASSAM AND 12 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
LAND AND REVENUE DEPTT. DISPUR, GUWAHATI-781006

2:THE CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR
GUWAHATI-781006
KAMRUP (M) ASSAM

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT. GUWAHATI-781006
KAMRUP M ASSAM

4:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-781007
KAMRUP M ASSAM

5:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
PIN-781031
DIST. KAMRUP
ASSAM

6:THE SUPERINTENDENT OF POLICE
KAMRUP
AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031.

7:THE CIRCLE OFFICER
PALASHBARI REVENUE CIRCLE
PALASHBARI
DIST. KAMRUP
PIN-781015
ASSAM

8:THE OFFICER IN CHARGE
PALASHBARI POLICE STATION
PALASHBARI DIST. KAMRUP PIN-781015
ASSAM

9:PAPPU ALI @ R. PHUKAN
ASSISTANT SUB INSPECTOR
PALASHBARI POLICE STATION
PALASHBARI DIST. KAMRUP
PIN-781015
ASSAM

10:BIJAY KATHAR
ASSISTANT SUB-INSPECTOR PALASHBARI POLICE STATION
PALASHBARI
DIST. KAMRUP PIN-781015
ASSAM

11:BASANTI NATH
W/O LT. LOHIT NATH
R/O VILL. BONGORA
P.S. PALASHBARI
DIST. KAMRUP
PIN-781015
ASSAM

12:ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)
REP. BY ITS CHAIRMAN BIJULEE BHAWAN
PALTAN BAZAR GUWAHATI-781001
DIST. KAMRUP M ASSAM

13:THE SUB DIVISIONAL OFFICER
MIRZA ELECTRICAL SUB-DIVISION

APDCL MIRZA
GUWAHATI ELECTRICAL CIRCLE -II
DIST. KAMRUP ASSA

Linked Case : I.A.(Civil)/2926/2025

SATYA TALUKDAR @ SATYA RAM TALUKDAR
S/O LT. MADHAB TALUKDAR
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DIST. KAMRUP PIN-781015
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11:BASANTI NATH
W/O LT. LOHIT NATH
R/O VILL. BONGORA
P.S. PALASHBARI
DIST. KAMRUP
PIN-781015
ASSAM

12:JOGESWAR TALUKDAR
GOVT. GAON BURHA PALASHBARI CIRCLE
VILLAGE BONGARA
LAT NO. 3
PO BONGARA
DIST KAMRUP ASSAM 781015

13:GANESH TALUKDAR

PRESIDENT BANGARA MAJPARA RAIJ GAYRAH

VILLAGE BONGARA LAT NO. 3
PO BONGARA
DIST KAMRUP ASSAM 781015

14:LACHIT CHOUDHURY
SECRETARY OF SRI SRI SATURBHUI SATRA
BANGARA MAJPARA RAIJ GAYRAH
VILLAGE BONGARA LAT NO. 3
PO BONGARA
DIST KAMRUP ASSAM 781015

Linked Case : I.A.(Civil)/2671/2024

BASANTI NATH
W/O LT. LOHIT NATH
R/O VILL. BONGORA
P.S. PALASHBARI
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PIN-781015
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VERSUS

SATYA TALUKDAR @ SATYA RAM TALUKDAR AND 11 ORS
S/O LT. MADHAB TALUKDAR
R/O VILL. AND P.O. BONGORA
P.S. PALASHBARI
DIST. KAMRUP
PIN-781015
ASSAM

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3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
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12:THE SUB DIVISIONAL OFFICER
MIRZA ELECTRICAL SUB-DIVISION
APDCL MIRZA

GUWAHATI ELECTRICAL CIRCLE -II
DIST. KAMRUP ASSAM

Linked Case : Cont.Cas(C)/391/2021

SATYA TALUKDAR @ SATYA RAM TALUKDAR
S/O LATE MADHAB TALUKDAR
R/O VILL AND P.O.-BONGORA
P.S.-PALASHBARI
DIST-KAMRUP
PIN-781015
ASSAM

VERSUS

KAILASH KARTHIK N
IAS AND 2 ORS
DEPUTY COMMISSIONER
KAMRUP
AMINGAON
PIN-781031
DIST- KAMRUP
ASSAM

2:HITESH CHANDRA ROY
APS
SUPERINTENDENT OF POLICE
KAMRUP
AMINGAON
DIST- KAMRUP
PIN-781031

3:JIBENDRA BRAHMA
INSPECTOR OF POLICE
OFFICER-IN-CHARGE
PALASHBARI POLICE STATION
PALASHBARI
DIST- KAMRUP
PIN-781015
ASSAM

For the Petitioner(s) : Mr. P. Sarmah, Advocate

For the Respondent(s) : Ms. N. Bordoloi, SC, Revenue
Mr. B. J. Talukdar, Sr. Advocate
Mr. P. K. Medhi, Advocate
Mr. G. Kakati, Advocate
Mr. D. Choudhury, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

23.02.2026

Heard Mr. P. Sarmah, the learned counsel appearing on behalf of the petitioner. Ms. N. Bordoloi, the learned counsel appears on behalf of the respondent Nos.1 & 3; Mr. B. J. Talukdar, the learned Senior Counsel assisted by Mr. P. K. Medhi, the learned counsel appears on behalf of respondent Nos.2, 4, 5, 6, 7, 8 & 10; Mr. G. Kakati, the learned counsel appears on behalf of the respondent No.11 and Mr. B. Choudhury, the learned counsel appears on behalf of the respondent Nos.12 & 13.

2. The petitioner herein has approached this Court apprehending that the respondent Nos.7, 8, 9 & 10 in concert and collusion with the respondent No.11 would evict the petitioner from his possession of the Government land in respect to which the petitioner has already submitted application for allotment which is yet to be considered.

3. This Court has duly taken note of the affidavit-in-opposition filed by respondent No.7 wherein it is mentioned that a plot of land admeasuring 1 bigha 1 katha 15 lechas is covered by the ceiling surplus land being Dag No.768, Touzi No.221 of village Bongora under Chayani Mouza. It is also mentioned at paragraph No.4 of the affidavit-in-opposition that the petitioner had applied for allotment of 1 bigha 1 katha 15 lechas of land and he is paying the Touzi Khajana by Touzi No.221 and the respondent No.11 has applied for allotment of a plot of land admeasuring 1 katha 2 lechas where she is paying Touzi Khajana by Touzi No.492. It is also stated that the Lot Mandals visited the area and submitted report. In the Lot Mandals' report, the petitioner has possession on the back side of the Dag using passage from the PWD road to his residence of the Touzi land and the respondent No.11 has possession of 1 katha 2 powa with boundary wall on the front portion of the Dag, and both the two plots are completely separate plots and both the petitioner and the respondent No.11 are paying separate Touzi Khajana by separate Touzi numbers. At paragraph Nos.7 and 8 of the affidavits-in-opposition, the respondent No.7 had denied that there is any threatening given to the petitioner to hand over the possession to the respondent No.11.

4. This Court has also heard the learned counsel who appears

on behalf of the respondent No.11 who submitted that the respondent No.11 is in possession of 1 katha 2 lechas and her land is separate from the land of the petitioner.

5. This Court has also heard Mr. B. J. Talukdar, the learned Senior Counsel who appears on behalf of respondent Nos.2, 4, 5, 6, 7, 8 & 10 and submitted that both the petitioner as well as the respondent No.11 are in possession of Government land without any permission, and under such circumstances, they cannot claim any right to remain in possession unless the competent authority has permitted them or have issued allotment in their favour.

6. This Court has given an anxious consideration to the respective submissions and has perused the materials on record. From the perusal of the materials on record, it appears that both the petitioner and the respondent No.11 are admittedly on Government lands. They have also claimed settlement by filing applications which are presently pending before the appropriate authority.

7. This Court also duly takes note of that no person has right to occupy Government lands sans any permission being granted by the jurisdictional District Commissioner or settlement being made by the Government. Be that as it may, if a person is in

possession of such Government lands, they cannot be evicted from such Government land without following the procedure established by law that is by issuance of notice to them thereby allowing them to state their case before the competent authority.

8. Under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the respondent authorities not to evict the petitioners as well as the respondent No.11 without following the procedure established by law that is by issuing show cause notices to the petitioner as well as the respondent No.11.

9. It is further observed that the instant order shall not however prejudice both the petitioner as well as the respondent No.11 in respect to their respective applications filed seeking settlement.

JUDGE

Comparing Assistant