

GAHC010010132026



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

A

WP(C)/4047/2021

JALAL UDDIN AND 19 ORS.
S/O LATE MUJAMMIL ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

2: FAKAR UDDIN
S/O JAMIR UDDIN
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

3: BADRUL HOQUE
S/O LATE JUMAR ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

4: FASAN ALI
S/O LATE MOYUB ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ

ASSAM
PIN-788728

5: RUSTUM ALI
S/O LATE KOTAI MIA
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

6: ABDUL KAYYUN
S/O LATE MUJAMMIL ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

7: RIAZ UDDIN
S/O LATE ARKUM ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

8: JAINUL HOQUE
S/O LATE ASAB ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

9: ROFIK UDDIN
S/O LATE ARKUM ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

10: MOSTAN ALI
S/O LATE MOYUB ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

11: SONAHAR ALI
S/O LATE ABDUL GOFUR @ BEGU MIA
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

12: KUTUB UDDIN
S/O LATE MOKADDAS ALI
R/O VILL- TEZPUR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

13: AFAS UDDIN
S/O LATE AMIR ALI
R/O VILL- TEZPUR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

14: ALTAB UDDIN
S/O LATE ABDUL KARIM
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

15: JIAB UDDIN
S/O LATE ABDUL KARIM AND TAJMUN NESSA
R/O VILL- ICHARPAR

P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

16: SULTANA BEGUM
D/O ABDUL SALAM
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

17: BOTOL
S/O LATE ASAB ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

18: SULTAN MAMUD
S/O LATE MUJAMMIL ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

19: KHASRUL ISLAM
S/O LATE CHARKUM ALI
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ
ASSAM
PIN-788728

20: GARIB ALI
S/O LATE ABDUL GOFUR @ BEDU MIA
R/O VILL- ICHARPAR
P.O.-KOTAMONI
P.S.-BAZARICHERRA
DIST- KARIMGANJ

ASSAM
PIN-788728
VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST
FORCE
ASSAM
PANJABARI
GUWAHATI-37

3:THE DEPUTY COMMISSIONER
KARIMGANJ
DIST-KARIMGANJ
ASSAM

4:THE SUPERINTENDENT OF POLICE
KARIMGANJ
DIST-KARIMGANJ
ASSAM

5:THE DIVISIONAL FOREST OFFICER
KARIMGANJ
DIST-KARIMGANJ
ASSAM

6:THE RANGE OFFICER
LOWAIRPARA RANGE OFFICE
PATHARKANDI
DIST-KARIMGANJ
ASSAM

7:THE BEAT FOREST OFFICER
PATIALA SUB-BEAT
PATHARKANDI
DIST-KARIMGANJ
ASSAM

8:THE CIRCLE OFFICER
PATHARKANDI REVENUE CIRCLE
PATHARKANDI
DIST-KARIMGANJ

ASSAM

9:THE OFFICER IN CHARGE
BAZARICHERRA POLICE STATION
DIST-KARIMGANJ
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : SC
FOREST appearing for THE STATE OF ASSAM AND 8 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 22-01-2026

Heard Mr. FU Barbhuiya, learned counsel for the petitioners. Also heard Mr. KP Pathak, learned Standing Counsel, Forest Department.

2. The petitioners before this Court claim to be residents of Badshahitilla of Longai Forest of Lowairpowa Range under Karimganj Sub-Division at the relevant point in time. Subsequently, by a notification No.1598R dated 14.06.1926 portion of land falling under Badshahitilla has been reserved for the occupation of the writ petitioners and others. Learned counsel for the petitioners submits that they have been residing and possessing the land on the Western Part of Badshahitilla under Icharpar Revenue village since their forefathers. Notwithstanding, that on 01.07.2021 without any notice, the Forest Officials along with police personnel came to the village i.e. Badshahitilla Forest

Land and started evicting and demolishing the houses of some of the petitioners. Being aggrieved, the present writ petition has been filed.

3. Notices in the matter were issued as far back on 08.06.2022. However, no interim orders were passed. During the pendency of the writ petition another notice dated 02.01.2026 was issued by the Divisional Forest Officer, Karimganj Forest Division, Shribhumi, seeking eviction of the writ petitioners from their said land. The petitioners had thereafter filed an Interlocutory Application being IA(C) No.130/2026 seeking adequate interim orders protecting their rights and interest of the petitioners.

4. Mr. KP Pathak, learned Standing Counsel, Forest Department, on the other hand, has placed before the Court the Judgment passed by the Division Bench of this Court rendered in WA No.251/2025 on 18.08.2025. This writ appeal arose from an order passed by the Coordinate Bench in respect of the similar matters where the petitioners therein were also sought to be evicted.

5. Learned counsel for the parties have been heard and pleading available on records have been perused and order of the Division Bench has also been carefully perused.

6. Upon careful perusal of the Judgment and Order dated 18.08.2025 passed by the Division Bench in WA No.251/2025, it is seen that the Division Bench had

closed WP(C) No.4257/2025 arising out of a similar issue by following the same guidelines issued in the said order. The guidelines issued in the Judgment and Order dated 18.08.2025 in WA No.251/2025 are extracted herein below:

”.....“

20. In this context, we would want the State to ensure that a proper check mechanism is put in place which would prevent any illegal entry in the reserved forest area. It could be by way of checking the entry points, putting barbed wires at porous borders and setting up of functional check posts. All these would become effective, if any only if the officers/persons managing such check posts do their job honestly as also efficiently.

In all fitness of things, the State must come up with necessary regulation in that regard and if ever it is found that such illegal entry in the reserved forest area is because of collusion of forest officials, or other ministerial staff, necessary penal action should be initiated against them. In fact, if the State is serious about preserving the pristine forests/reserved forests of the State, it should come up with a regulation whereby even the officers and ministerial staff in the forest department would be held responsible for any unauthorized/illegal entry in such reserved forests. A periodical review of the situation would further help build an institutional mechanism for preventing such unauthorized entry into the reserved forest area. Constant surveillance in the reserved forest area would also be required to ensure that the encroachers do not again enter reserved forests and spoil the ecological balance.

21. We would also like to observe that henceforth, if such drive is undertaken for clearing the reserved forest area of all encroachments and if it is found that there are some settlers, even though unauthorized, they ought to be given a reasonable period of time of 15 days, to explain under what circumstances they had set up their residence inside the reserved forest area where any non-forest activity or their

presence attracts penal offence, and a further period of 15 days, for exiting the place on being asked to do so.

22. Notwithstanding the fact that no procedure has been delineated, it would be only in the interest of justice that a notice of 15 days and a further time of 15 days be given to such squatters/encroachers to leave the reserved forest area.

23. The learned Advocate General has raised no objection to such observation and submitted that efforts would be made to put such procedure in place for any future eviction drive.

24. However, this would not protect the encroachers from being prosecuted for the penal offence committed by them in carrying out non-forest activity in the reserved forest area under Regulation 24 and 25 of the Assam Forest Regulation, 1891.

25. Now, after having said so, we find that no good grounds have been raised by the appellants for us to interfere with the order of the learned Single Judge, who in his wisdom had passed an interim order on 29.07.2025 giving a bigger window to the appellant to vacate the forest area.

.....

28. We hereby clarify that we have already given an extended period to the appellants to make good their exist from the forest area. If the appellants do not leave the forest area within a further period of seven days, to be counted from today, the State would proceed against them for eviction."

7. In view of the findings of the Division Bench and the guidelines laid down by the Division Bench in WA No.251/2025 by the Judgment and Order dated 18.08.2025, this Court is of the view that the same guidelines are equally applicable in the facts and circumstances of the present proceeding.

8. Accordingly, the writ petition stands disposed of with a direction to the respondent authorities to strictly adhere the guidelines and the time lines laid down by the Division Bench in the Judgment and Order dated 18.08.2025 passed in WA No.251/2025.

9. The writ petition stands disposed of in terms of the above.

Interlocutory Application, if any, stands disposed of.

JUDGE

Comparing Assistant