

GAHC010124662021



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

Case No. : WP(C)/4078/2021

JAMIR UDDIN AND 19 ORS
S/O- LT. NIMAR ALI, R/O- VILL- ICHARPAR, P.O. KOTAMONI, P.S.
BAZARICHERRA, DIST.- KARIMGANJ, PIN- 788728

2: NACHIR UDDIN
S/O- HIFJUR RAHMAN
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

3: KAMRUL HOQUE
S/O- LT. MOIDUR RAHMAN
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

4: NURUL HAQUE
S/O- LT. FAYEJ ALI @ FAIJ ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

5: MOIMUN NESSA
W/O- LT. FAYEJ ALI @ FAIJ ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

6: ABDUL SALAM
S/O- LT. ABDUL JABBAR

R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

7: JAMAL UDDIN
S/O- KHALIL UDDIN
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

8: JALAL UDDIN
S/O- LT. ABDUL NUR
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

9: ABDUR REZZAK
S/O- LT. JOHIR ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

10: ABDUL NUR
S/O- LT. ISHAD ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

11: AJIJUR RAHMAN
S/O- TAYABUR RAHMAN
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

12: ACHADUR RAHMAN
S/O- LT. HUSEN AHMED
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

13: MONOZZIR ALI

S/O- LT. MAHABAT ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

14: HELAL UDDIN
S/O- LT. SARA HAR ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

15: MUSTAFA UDDIN
S/O- LT. MASADDAR ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

16: TARMUCH ALI
S/O- LT. KALA MIA
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

17: ANWAR ALI
S/O- LT. KALA ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

18: ABDUL RAJJAK
S/O- ABDUL GAFUR
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

19: ABDUL KARIM
S/O- LT. ABDUL GAFUR
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

20: AZIR UDDIN
S/O- LT. ASAB ALI
R/O- VILL- ICHARPAR
P.O. KOTAMONI
P.S. BAZARICHERRA
DIST.- KARIMGANJ

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPTT., DISPUR, GHY-06, ASSAM

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

3:THE DY. 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
LOWAIRPOWA 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 P.S.
DIST.- KARIMGANJ
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, FOREST

Linked Case : 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
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-09-2021

Heard Mr. F. U. Barbhuiya, learned counsel for the petitioners.

The petitioners are claiming that they are in occupation of de-reserved land of Longai Forest at Badshahitilla Forest land in the district of Karimganj.

Apprehending their eviction from said land, the petitioners have preferred these writ petitions with a prayer, not to evict them from said land which they are allegedly occupying since last several years. Petitioners have also prayed for an interim order not to evict them from the said land where they are presently residing within Lowaripowa Forest Range.

Excepting the Voters' List, the petitioners have not annexed any schedule of the land on which they are presently residing. Voters list does not give any right over land and it does not describe the Schedule of the land.

With such a vague nature of description of land, the Court cannot pass any such order as prayed by the petitioners.

The petitioners are allowed to file their additional affidavit describing the schedule of the land involved in the cases with respective land documents.

List these matters for motion only after filing such additional affidavit by the petitioners.

JUDGE

Comparing Assistant