

GAHC010119142021



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

Case No. : 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-78872

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
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, FOREST

Linked Case : 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
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

18-04-2022

Heard Mr. F. U. Barbhuiya, learned counsel for the petitioners and Mr. D. Gogoi, learned Standing counsel, Environment and Forest Department for the respondent Nos. 1, 2, 5, 6 and 7. Also heard Ms. S. Sarma, learned Government Advocate, Assam for the respondent Nos. 3, 4, 8 and 9.

Petitioners have filed an additional affidavit annexing copy of the Trace Map No.172 of Mouza - Icharpar of Pargana Pratapgarh of District- Cachar to establish their claim that they are in

occupation of land not reserved under the Forest Act of Longai and Singla Reserved Forest.

Though petitioners in their additional affidavit stated that the land under their occupation after such de-reservation is on the part of Badshahitilla of Karimganjee Beel under Icharpar Revenue Village, but they also made a categorical statement that till date in the Western Part of Badshahitilla, no revenue village have been created and as such, no Dags and Pattas are issued by the Revenue Department.

Petitioners have failed to show that if such forest land of Longai and Singla Reserved Forest have been de-reserved and made Government Khas land, it must contain Dag Numbers along with area of land concerned in the relevant revenue village but without any periodic patta Numbers.

Further, for necessary clarification from the respondent Forest Department, list this matter again on **12.05.2022** enabling the said authority to clarify whether the land involved in the case was de-reserved after the issuance of the Notification reserving said land to be a forest land of Longai and Singla Reserved Forest or not and if so and the total area of Forest land and the area of land that are de-reserved.

JUDGE

Comparing Assistant