

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

08/06/2022

Heard Mr. F U Borbhuiya, learned counsel for the petitioners and Mr. D Gogoi, learned Standing counsel, Forest Department for the respondent Nos. 1, 2, 5, 6 & 7. Also heard Mr. B Deuri, learned Government Advocate, Assam for the respondent Nos. 3, 4, 8 & 9.

Pursuant to the order of the Court, Mr. D Gogoi, learned Standing counsel, Forest Department placed the written instructions of the Divisional Forest Officer, Karimganj Division, Karimganj vide No. KJ(T)/WP(C) No.4078/2021/3752-56 dated 03.06.2022 regarding the land involved in the cases specifying that the land allegedly occupied by the petitioners falls on the Western side of Badsahitilla Reserve Forest under Lowairpoa Range and that the said Badsahitilla Reserve Forest was initially notified to be Reserved Forest vide Notification No. 3602R dated 01.09.1914 as Longai Singla de-forested area which was later renamed as Badsahitilla Reserve Forest vide Notification No. 4688R dated 08.12.1916. Subsequent to that an area of 229.46 Hectare had been added to the said Badsahitilla Reserve Forest vide Notification No.2465R dated 02.06.1918 and as of now, said Badsahitilla Reserve Forest consist of an area of 7513.96 Hectare.

By the said communication dated 03.06.2022, the DFO, Karimganj clarified that no such area of Badsahitilla Reserve Forest including Badsahitilla of Karimganj Beel under Icharpar village have ever been de-reserved by any such Notification of the authorities concerned.

Issue notice, returnable by **28.06.2022.**

As Mr. D Gogoi, learned Standing counsel, Forest Department and Mr. B Deuri, learned Government Advocate, Assam have accepted notice on behalf of the respondent Nos. 1, 2, 5, 6 & 7 and 3, 4, 8 & 9 respectively, no formal notice need to be issued to those respondents.

Petitioners shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to Mr. D Gogoi, learned Standing counsel, Forest Department and Mr. B Deuri, learned Government Advocate, Assam within 2 (two) days from today, if not served earlier, obtaining necessary acknowledgment from them in that regard.

The respondent Nos. 1, 2 & 3 shall file its detail affidavit in the matter on or before 24.06.2022, serving copy of the same on the counsel for the petitioners.

The written instructions of the Divisional Forest Officer, Karimganj Division, Karimganj dated 03.06.2022 placed today before the Court by Mr. D Gogoi, learned Standing counsel, Forest Department be kept as a part of the record.

List accordingly.

JUDGE

Comparing Assistant