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

Case No. : WP(C)/4676/2022

NAREN CHANDRA NATH
W/O- LATE MAJU SINGH NATH,
R/O- VILL. BASANAGHAT,
P.O.- MANIPUR,
P.S.- MORIGAON,
DISTRICT- MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND D.M. DEPARTMENT, GOVT. OF ASSAM,
SACHIVALAYA, DISPUR, GUWAHATI- 781006, ASSAM.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND D.M. DEPARTMENT

GOVT. OF ASSAM
SACHIVALAYA
DISPUR
GUWAHATI- 781006
ASSAM.

3:THE DEPUTY COMMISSIONER
MORIGAON DISTRICT
ASSAM.

4:THE ADDL. DEPUTY COMMISSIONER (REVENUE)
MORIGAON.

5:THE CIRCLE OFFICER
MAYONG REVENUE CIRCLE

MAYONG
MORIGAON
ASSAM.

6:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT

ASSAM SACHIVALAYA
DISPUR
GUWAHATI- 781006
ASSAM.

7:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (WILDLIFE) AND
CHIEF WILDLIFE WARDEN
ASSAM
PANJABARI
GUWAHATI- 781037.

8:THE DIVISIONAL FOREST OFFICER
GUWAHATI WILDLIFE DIVISION
BASISTHA
GUWAHATI- 781029.

9:THE RANGE FOREST OFFICER

POBITORA WILDLIFE RANGE
MAYONG
MORIGAON

Advocate for the Petitioner : MR S BORTHAKUR, MS. P BORAH

Advocate for the Respondent : SC, REVENUE, SC, FOREST,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

10.06.2025

1. Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel for the Forest Department representing the respondent Nos. 6, 7, 8 and 9 and Mr. N. Goswami, learned State counsel

representing the respondent Nos. 3, 4 and 5.

2. The petitioner claims that a portion of land belonging to the petitioner is under occupation of the Forest Department. Accordingly, he represented before the Revenue Authorities with a claim that he may be handed over his patta lands. In the aforesaid backdrops, joint survey was directed by the District Commissioner through the Circle Officer. Thereafter, the Circle Officer, through its revenue staff has conducted an enquiry and reports were submitted.
3. Such report projects that as per the record and enquiry, a plot of land measuring 7 Bighas 1 Katha 1 Lecha covered by Myadi Patta No. 308 Dag 774 of Rajamayong Kissam, Mouza- Mayong under Mayong Revenue Circle in the district of Morigaon, Assam, are settled in the name of one Sri Akan Chandra Nath, son of Late Meda along with 12 others pattaders and a plot of land measuring 2 Katha 12 lechas in the name of Mantu Saikia, son of Deben Saikia. The aforesaid report further projects that after measurement, it is seen that a plot of land measuring 4 Bigha 1 Katha 1.5 Lechas under the aforesaid Dag and Patta, is in under possession of the Forest Department. With the aforesaid backdrop, the present writ petition is filed.
4. The respondent Forest Department has filed an affidavit and a stand has been taken that the said land under Dag No. 774 and P.P. No. 308 has been under the possession of Forest Department since 1971 and Myadi Patta issued in the year 2007 in favour of the petitioner has invalidly done without any physical verification by the revenue department and the land in question is a part of notified Pobitora Wildlife Sanctuary and has already been in possession of the Forest Department since long.
5. The petitioner by filing an additional-affidavit has brought on record a chitha of akchania patta land, which suggest that the said akchania patta was under Dag

No. 774 in the name of Meda Nath and the years relatable to the aforesaid patta is 1969-1970.

6. If the stand of the parties are accepted, it is the projection of the petitioner that the land was initially akchania patta land with supporting chitha relatable to the year 1969-1970, whereas, it is the stand of the Forest Department in the affidavit that they are in possession of the aforesaid land from the year 1971. It is the case of the petitioner that such akchania patta land was converted into myadi patta on payment of premium in the year 2007.
7. Therefore, an affidavit from the Deputy Commissioner shall be required clarifying the aforesaid contradictory stand. Accordingly, a copy of the additional-affidavit as well as copy of the writ petition along with the annexures including the reports submitted by the revenue authorities be furnished to Mr. N. Goswami, learned State counsel representing the Deputy Commissioner by the learned counsel for the petitioners. Such affidavit be filed by **16.07.2025**.
8. As Mr. Gogoi, learned Standing Counsel for the Forest Department, has verbally asserted that due notices were issued before declaring the aforesaid area as Reserve Forest/Wildlife Sanctuary, and accordingly, he prays for some time to produce the notifications in this regard including the preliminary notification proposing declaration of such Reserve Forest/Wildlife Sanctuary.
9. List this matter again on 21.07.2025.

JUDGE

Comparing Assistant