

GAHC010131862020



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

**Case No. : WP(C)/4358/2020**

MAHENDRA SINGH CHOUHAN  
S/O- SHRI BIRAD SINGH CHOUHAN, R/O- 11 ARMENIAN STREET,  
KOLKATA, WEST BENGAL, PIN- 700001

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND  
DISASTER MANAGEMENT DEPTT., DISPUR, GHY-06

2:THE DY. COMMISSIONER  
GOALPARA  
DIST.- GOALPARA  
ASSAM  
PIN- 783101

3:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
ASSAM POLICE HEAD QUARTER  
ULUBARI  
GHY-07

4:THE SUPERINTENDENT OF POLICE  
GOALPARA  
DIST.- GOALPARA  
ASSAM  
PIN- 783101

5:THE ASSTT. SETTLEMENT OFFICER  
BALIJANA REVENUE CIRCLE  
GOALPARA  
ASSAM

PIN- 783101

6:NABAKANTA THAKURIA  
S/O LT. KHAGENDRA THAKURIA  
P.O.- BADLAMARI  
P.S. AND DIST.- GOALPARA  
ASSAM  
PIN-783101.

7:GURUCHARAN RABHA  
S/O LT. JYOTIRMAY RABHA  
R/O BHALUKDUBI TILAPARA  
P.O.- BADLAMARI  
P.S. AND DIST.- GOALPARA  
ASSAM  
PIN- 783121

8:RUSVELT RABHA  
S/O LT. JMONESWAR RABHA  
R/O- THEKASU PART-I  
HOUSE NO. 653  
P.O. AND P.S.- DUDHNOI  
DIST.- GOALPARA  
ASSAM  
PIN. 783124.

9:DHANANJAY RABHA  
S/O LT. DEVENDRA RABHA  
R/O BHALUKDUBI TILAPARA  
P.O.- BADLAMARI  
P.S. AND DIST.- GOALPARA  
ASSAM  
PIN- 783101

Advocate for the petitioner(s): Mr. R Choudhury

Advocate for the respondent(s): Mr. N Das, Govt. Advocate, Assam

**B E F O R E**  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
**ORDER**

**02.04.2026**

Heard Ms. R Choudhury, the learned counsel appearing on behalf of the petitioner. Also heard Mr. N Das, the learned Government Advocate, Assam.

2. The instant writ petition was heard on 01.04.2026 and accordingly, the writ petition was fixed today for final hearing.

3. A question was raised by Mr. N Das, the learned Government Advocate, Assam as regards the authority of the writ petitioner to file the writ petition on the basis of the Power of Attorney enclosed as Annexure-A to the writ petition, taking into account that the said Power of Attorney does not identify the land wherein the petitioner has been appointed as the Power of Attorney holder.

4. Ms. R Choudhury, the learned counsel appearing on behalf of the petitioner submits that a period of 2(two) weeks may be granted so that an additional affidavit can be filed by bringing on record another Power of Attorney thereby ratifying the filing of the writ petition.

5. This Court also takes note of that there are materials on record, which show that the land in question is admittedly a patta land of one Jai Chandlal Bhura, wherein the State Government had permitted the accommodation to SULFA militants at Goalpara.

6. The question arises as to how the Government can take such steps in that regard thereby depriving the rights of the owners under Article 300A of the Constitution.

7. This Court has also taken note of the communications issued by the Superintendent of Police, Goalpara as well as the District Commissioner, Goalpara wherein both the Officers have expressed their helplessness in trying to shift the SULFA militants, who were permitted to reside within the land of Sri

Jai Chandlal Bhura.

8. This Court has also taken note of the affidavit filed by the respondent Nos.6, 7 and 9 wherein they claim their right on the basis that the State had permitted them to reside therein. The acts on the part of the respondent authorities show a very pathetic state of affair whereby the District Magistrate had permitted certain SULFA militants to reside over the land of Sri Jai Chandlal Bhura and later on expresses their helplessness in trying to remove these SULFA militants from the said land.

9. This Court specifically directs the respondent No.3 to file an affidavit in this regard as to how steps can be taken for eviction of the respondent Nos.6 to 9 in the instant proceedings.

10. List this matter again on 20.05.2026.

11. The additional affidavit be filed on behalf of the petitioner on or before 11.05.2026.

12. The affidavit of the respondent No.3 be filed on or before 15.05.2026.

**JUDGE**

**Comparing Assistant**