

GAHC010142782020



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

Case No. : WP(C) 4255/2020

1:MAJIL SHEIKH AND 61 ORS
S/O HELEN SHEIKH
VILLAGE JAMDUWAR PT-1, PS CHAPAR DIST DHUBRI, ASSAM 783348

2: SARIFUL ISLAM
S/O LATE NABAB ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

3: DINU SHEIKH
S/O LATE SHAKADAM ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

4: HABIL SHEIKH
S/O SAFAR UDDIN SHEIKH
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

5: KASHEM ALI
S/O SHAKADAM ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

6: BAHAR ALI
S/O MAHAMMAD ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

7: ASIR UDDIN
S/O HABIBAR RAHMAN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

8: JASMAT ALI
S/O MOTIUR RAHMAN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

9: ABUL HASHEM
S/O MOTIUR RAHMAN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

10: ASMAT ALI
S/O MOTIUR RAHMAN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

11: AZAD ALI
S/O MOTIUR RAHMAN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

12: ASHAD ALI
S/O MOYAN UDDIN SHEIKH
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

13: AZGAR ALI
S/O SHUKUR ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

14: RAKIBUL ISLAM
S/O BAHAR ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

15: DILBAR ALI
S/O HELEN SHEIKH
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

16: HABIABAR RAHMAN
S/O HATEM ALI
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

17: NUR MAHAMMAD
S/O LATE ABU BAKKAR SIDDIQUE
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

18: NIZAM UDDIN
S/O LATE SHAKADAM
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

19: MAIN UDDIN SHEIKH
S/O LATE BISHA SHEIKH
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

20: JAMAT ALI
S/O LATE JALU SHEIKH AND JAMIRAN BEWA
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

21: JAMIRAN BEWA
D/O SURMAN ALI
W/O LATE JALU SHEIKH
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI
ASSAM 783348

22: BASIA BIBI
D/O LAE SURMAN ALI
W/O LATE JAHIR UDDIN
VILLAGE JAMDUWAR PT-1
PS CHAPAR DIST DHUBRI

ASSAM 783348

23: JALAL SHEIKH
S/O RUSTAM ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

24: DELJAR ALI
S/O SOBAHAN
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

25: SHAJAHAN ALI
S/O HASEN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

26: SAMAD ALI
S/O HASEN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

27: MOHAR ALI
S/O LATE SAJED ALI AKAND
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

28: GULZAR ALI
S/O SOBAHAN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

29: ABDUL MANNAN
S/O LATE IDRISH ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

30: MD. MANTAJ ALI
S/O TAIYAB ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI

ASSAM 783348

31: ABDUL KARIM
S/O ABUL SARDAR
VILLAGE JAMDUWAR PT-I
PS CHAPAR DIST DHUBRI
ASSAM 783348

32: JAFAR ALI
S/O MANTAJ ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

33: SHAJAHAN ALI
S/O NIJAMUDDIN
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

34: BELLAL ALI
S/O HABIBAR RAHMAN
VILLAGE JAMDUWAR PT I
PS CHAPAR DIST DHUBRI
ASSAM 783348

35: NUR UDDIN
S/O SAMSUL HOQUE
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

36: MOHAR ALI
S/O SABDER ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

37: KAMAL UDDIN
S/O MOHAR ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

38: DILBAR HUSSAIN
S/O LATE JASMAT ALI FAKIR
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI

ASSAM 783348

39: AYSHA KHATUN
D/O DILBAR HUSSAIN
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

40: ZARINA BEGUM
W/O ROFIQUL ISLAM BHUYAN
VILLAGE JAMDUWAR PART I
PS CHAPAR DIST DHUBRI
ASSAM 783348

41: ABU KALAM
S/O AKTAR ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

42: MAHIMA KHATUN
W/O BELAT ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

43: LALCHAND ALI
S/O TASER ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

44: MAJANAL HOQUE
S/O ANU DEWANI

45: AYNAL HOQUE
S/O NASIR UDDIN
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

46: MIRANJAN NESSA
W/O RAMJAN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

47: SANIDUL ISLAM

S/O NIR MOHAMMAD MONDAL
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

48: SHAJAHAN ALI
S/O SAMARTTA BEWA
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

49: ALTAP HUSSAIN
S/O LATE SAMSUL HOQUE
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

50: MALBAR ALI
S/O SOBAHAN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

51: ANOWAR HUSSAIN
S/O LATE MAHEJ ALI
VILLAGE RAUKHOWA PT II
PS CHAPAR DIST DHUBRI
ASSAM 783348

52: FULBAR RAHMAN
S/O SOBAHAN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

53: SAFER ALI
S/O HASEN ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

54: HARAN ALI
S/O LT. ABDUL HAMID
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

55: HASEN ALI

S/O LATE MAKRAM ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

56: MAYNUDDIN
S/O ABDUL MALEK
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

57: ABUL KALAM AZAD
S/O UMED ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

58: JAKIRUL ISLAM
S/O NAUSAD ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

59: AYMONA KHATUN
D/O ANU DEWANI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 783348

60: NUR ISLAM
S/O ABDUS SAMAD
VILLAGE JAMDUWAR PT I
PS CHAPAR DIST DHUBRI
ASSAM 783348

61: MAKRAM ALI
S/O MAHEJ ALI
VILLAGE JAMDUWAR PT-I
PS CHAPAR DIST DHUBRI
ASSAM 783348

62: ROFIQUL ISLAM
S/O SOFER ALI
VILLAGE BAMUNPARA PT-IV
PS CHAPAR DIST DHUBRI
ASSAM 78334

VERSUS

1:THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR GUWAHATI 781006

2:THE DIRECTOR OF LAND RECORDS AND REVENUE DEPARTMENT
ASSAM RUPNAGAR
GUWAHATI 781032

3:THE DEPUTY COMMISSIONER
DHUBRI ASSAM 783301

4:THE SUB DIVISIONAL OFFICER (CIVIL)
BILASIPARA
DHUBRI ASSAM 783348

5:THE CIRCLE OFFICER
PO CHAPAR PS DHUBRI ASSAM 78337

Advocate for the Petitioner : MR. N AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

14.10.2020

Heard Mr. S. N. Sarma, learned senior counsel assisted by Mr. N. Ahmed,
learned counsel appearing for the writ petitioners.

Alleging arbitrary and illegal decision making process in the matter of
allotment of land under occupation of the petitioners in favour of third party,
the present writ petition has been filed.

By referring to the document annexed (Annexure-4) to the writ petition,
Mr. Sarma submits that it is not even clear as to whether, the land in question is
a sarkari land or a patta land. Notwithstanding the same, the respondents are

proposing to allot the said land in favour of 3rd party in violation of the procedural norms.

Mr. J. Handique, learned Standing Counsel, Revenue Department, Assam and Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam, pray for some time to obtain instruction.

Issue notice of motion returnable on 20.11.2020.

Since Mr. J. Handique, learned Standing Counsel, Revenue Department, Assam, has entered appearance and accepted notice on behalf of respondent Nos.1 and 2 and Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam, has accepted notice on behalf of respondent Nos.3 to 5, no formal notice is required to be sent in this case. However, extra copies of the writ petition, adequate in numbers, be furnished to the learned Standing Counsel, within a week from today, so as to enable them to obtain instruction.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

However, as an ad-interim measure, it is provided that proper verification of the land presently under occupation of the petitioners be carried out by the authorities before taking any further action in the matter.

JUDGE

Comparing Assistant