

GAHC010143562026



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

Case No. : WP(C)/3675/2026

SIMANTA BHUSAN SARMA AND 36 ORS.
SON OF BIBHUTI BHUSAN SARMA, RESIDENT OF VILL. P.O. KAZIPARA,
P.S. NALBARI, DIST. NALBARI, ASSAM, PIN-781341.
(SL. NO. 812, L.A. CASE NO. 18)

2: BIKRAMJIT DEKA
SON OF MAHESH CH. DEKA
RESIDENT OF VILL. P.O. KAMARKUCHI
P.S. NALBARI
DIST. NALBARI
ASSAM
PIN-781347
(SL. NO. 811
L.A. CASE NO. 18)

3: MONIKA DAS CHAKRABORTY
DAUGHTER OF ANIL RANJAN DAS
RESIDENT OF 3D NILANCHAL HOUSING
NEAR CBI
MALIGAON
PANDU
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP (M)
ASSAM. (SL. NO. 813
L.A. CASE NO. 18)

4: AZAD ALI
SON OF LATE MANMIL ALI
RESIDENT OF GARIGAON
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP METRO
ASSAM.(SL. NO. 907 AND 913

L.A. CASE NO. 18)

5: ABDUL JALIL
SON OF LATE MANMIL ALI
RESIDENT OF GARIGAON
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP (METRO)
ASSAM.
(SL. NO. 908 AND 914
L.A. CASE NO. 18)

6: MD MAINUL HAQUE
SON OF LATE MANMIL ALI
RESIDENT OF GARIGAON
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP METRO
ASSAM.
(SL. NO. 909 AND 915
L.A. CASE NO. 18)

7: HASNUR ALI
SON OF LATE MANMIL ALI
RESIDENT OF GARIGAON
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP METRO
ASSAM.
(SL. NO. 910 AND 916
L.A. CASE NO. 18)

8: MANJUR ALI
SON OF LATE MUMTAZ ALI
RESIDENT OF LOWER MIRZAPUR
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 661 AND 802
L.A. CASE NO. 18)

9: RAMJAN ALI
SON OF LATE MUMTAZ ALI
RESIDENT OF LOWER MIRZAPUR
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)

ASSAM
(SL. NO. 662 AND 803
L.A. CASE NO. 18)

10: NURUL ISLAM
SON OF LATE MUMTAZ ALI
RESIDENT OF LOWER MIRZAPUR
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.(SL. NO. 663 AND 804
L.A. CASE NO. 18)

11: HUJURUDDIN ALI
SON OF LATE MUMTAZ ALI
RESIDENT OF LOWER MIRZAPUR
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 963
L.A. CASE NO. 18)

12: SAMINA KHATUN
DAUGHTER OF LATE MUMTAZ ALI
RESIDENT OF LOWER MIRZAPUR
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 966
L.A. CASE NO. 18)

13: KHURSHED ALAM
SON OF LATE MADHU MIAH
RESIDENT OF HOWLY TOWN
WARD NO.9
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM
PIN-781316
(SL. NO. 961
L.A. CASE NO. 18)

14: JAHIDUL ISLAM
SON OF SHAMEZ UDDIN AHMED
RESIDENT OF VILL. BANBAHAR
P.O. KAYAKUCHI

P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-781352.
(SL. NO. 814
L.A. CASE NO. 18)

15: TAIYEBA AHMED
DAUGHTER OF ABDUL AZIZ
RESIDENT OF AHMED APARTMENT
BYE LANE 2
VIP
AZARA
MILAN NAGAR
GUWAHATI-781015
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 815
L.A. CASE NO. 18)

16: ISMAIL KHAN
SON OF LATE MATBAR KHAN
RESIDENT OF VILLAGE PADMAPARA
P.O. JATRADIA
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN-781309.
(SL. NO. 927
L.A. CASE NO. 18)

17: DR. SAFIQUUL ISLAM
SON OF LATE SADEK HUSSAIN
RESIDENT OF NAYAPARA
NEAR MATERNITY HOSPITAL
AGIA ROAD
WARD NO. 5
P.S. GOALPARA
DIST. GOALPARA
ASSAM
PIN-783101.
(SL. NO. 998
L.A. CASE NO.18)

18: MINA THAKURIA
WIFE OF LATE PRADINI THAKURIA
RESIDENT OF AZARA
P.S. AZARA

GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL.NO. 827
L.A. CASE NO. 18)

19: DIPANJANA THAKURIA
DAUGHTER OF LATE PRADINI THAKURIA
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM
(SL. NO. 828
L.A. CASE NO. 18)

20: LEENA THAKURIA
DAUGHTER OF LATE PRADINI THAKURIA
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 829
L.A. CASE NO. 18)

21: TRISHNA THAKURIA
DAUGHTER OF LATE PRADINI THAKURIA
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM
(SL. NO. 830
L.A. CASE NO. 18)

22: MUNMI THAKURIA
DAUGHTER OF LATE PRADINI THAKURIA
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM
(SL. NO.831
L.A. CASE NO. 18)

23: SOMIMUDDIN ALI
SON OF LATE FAYAZ ALI

RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM. (SL. NO. 646 AND 992
L.A. CASE NO. 18)

24: MD SOURAB ALI
SON OF LATE FAYAZ ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 643 AND 990.
L.A. CASE NO. 18)

25: MD MANSUB ALI
SON OF LATE MANIA
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM. (SL. NO.652
L.A. CASE NO. 18)

26: MD JITU ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM
(SL. NO.653
L.A. CASE NO. 18)

27: MD CHALEMAN ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP M
ASSAM. (SL. NO.657
L.A. CASE NO. 18)

28: RAMJAN ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA

P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM. (SL. NO.656
L.A. CASE NO. 18)

29: RIBUL ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 658
L.A. CASE NO. 18)

30: MAJIBUR ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO. 655
L.A. CASE NO. 18)

31: FAKARUDDIN ALI
SON OF LATE FAYAZ ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO.644 AND 991
L.A. CASE NO. 18)

32: KASHIM ALI
SON OF LATE FAJAL ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM. (SL. NO.654
L.A. CASE NO. 18)

33: SIDDIQUE ALI
SON OF LATE FAYAZ ALI
RESIDENT OF AZARA

P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP M
ASSAM.(SL. NO.645 AND 978
L.A. CASE NO. 18)

34: RAHMAN ALI
SON OF LATE FAYAZ ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP M
ASSAM. (SL. NO.647 AND 993
L.A. CASE NO. 18)

35: HANIF ALI
SON OF LATE AMIR ALI
RESIDENT OF AZARA
P.S. AZARA
GUWAHATI-781017
DIST. KAMRUP (M)
ASSAM.
(SL. NO.633
L.A. CASE NO. 18)

36: SMTI LAKSHI BAYAN
WIFE OF AMEN CH. BAYAN
RESIDENT OF BIJNI
WARD NO. 3
G.N.B. ROAD
P.O. P.S. BIJNI
DIST. CHIRANG BTR
ASSAM.(SL. NO. 428
L.A. CASE NO. 18)

37: SANKAR KUMAR DAS
SON OF LATE PRASHANNA KUMAR DAS
RESIDENT OF SUNDARBARI
P.S. JALUKBARI
GUWAHATI-781014
DIST. KAMRUP (M)
ASSAM.
(SL. NO.962
L.A. CASE NO. 18)

VERSUS

THE STATE OF ASSAM AND 3 ORS.

REPRESENTED BY THE CHIEF SECRETARY, ASSAM SECRETARIAT,
GUWAHATI-781006, ASSAM.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006
ASSAM.

3:THE LEGAL REMEMBRANCER CUM COMMISSIONER AND SECRETARY
JUDICIAL DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006
ASSAM.

4:THE DISTRICT COMMISSIONER CUM COLLECTOR
KAMRUP (M)
ASSAM
OFFICE OF THE DEPUTY COMMISSIONER
KAMRUP (M)
ASSAM
PIN-78103

Advocate for the Petitioner : MR. K N CHOUDHURY, N GAUTAM,MS. H SARMA,MR A U
AHMED

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

21.07.2026

(K. R. Surana, J)

Heard Mr. K. N. Choudhury, learned senior counsel assisted by Mr. A. U. Ahmed, learned counsel for the petitioners. Also heard Mr. D. Saikia, learned Advocate General for the State assisted by Mr. R. Borpujari, learned standing counsel for the Revenue Department.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioners have prayed (i) for declaring the Assam Land (Requisition and Acquisition) Act, 1964 (hereinafter referred to as "the 1964 Act" for brevity) as repugnant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act" for brevity) and is therefore void and inoperative in view of Article 254 of the Constitution of India; (ii) for declaring the 1964 Act as ultra vires the Constitution of India; (iii) for setting aside all notifications and proceedings issued under the 1964 Act and the Amendment Act, 2024 including the Form-B and C in LA Case No. 18/2026; (iv) for releasing the land of the land of the petitioners from the purview of the 1964 Act.

3. The learned senior counsel for the petitioners has submitted that his submissions on facts and law are more or less covered by the order dated 26.06.2026 passed in WP(C) No. 3516/2026 and accordingly, he prays for issuance of notice and listing the matter on 23.07.2026, when other similar matters are also fixed.

4. The learned Advocate General has vehemently opposed the prayer and has submitted that his submissions are also covered by the order dated 26.06.2026, referred above.
5. Be that as it may, as a similar matter is ordered to be listed on 23.07.2026, this Court is inclined to issue notice returnable on 23.07.2026.
6. As an interim measure, it is provided that the petitioners shall not be dispossessed from the land in issue until the next date of listing.
7. The petitioners shall serve a certified copy of this order at the Office of the District Commissioner-cum-collector, Kamrup(M) (Respondent No.4) to bring this order to the notice of the said authority.
8. It is made clear that the extension or continuation of the interim order shall not be automatic and/or by default, but shall be subject to further order(s) that may be passed on the next date fixed.
9. List on 23.07.2026.

JUDGE

JUDGE

Comparing Assistant