

GAHC010147492023



2026:GAU-AS:3192

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

Case No. : WP(C)/3945/2023

SMTI. KUNJALATA GOGOI AND 16 ORS
W/O LATE SUNARAM GOGOI, R/VILLAGE-CHAIKYA GAON, NAMRUP, P.O.-
PARBATPUR, P.S.-NAMRUP, MOUZA-JOYPUR, DIST-DIBRUGARH, ASSAM,
PIN-786623

2: DINOMONI GOGOI
S/O LATE MAHENDRA GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

3: JOGENDRA NATH CHETIA
S/O LEBAN CHETIA
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

4: BOMBAHADUR THAPA
S/O LATE CHINTARAM THAPA
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR

DIST-DIBRUGARH
ASSAM
PIN-786623

5: RAJEN BURAGOHAIN
S/O LATE DEBAN BURAGOHAIN
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

6: JOGEN GOGOI
S/O LATE BOGADHAR GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

7: SMT. SARUMAI NAHARDEKA
W/O LATE BIKUL NAHARDEKA
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

8: MRIDUL GOGOI
S/O MOHENDRA GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

9: LALIT GOGOI
S/O LATE PRADIP GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

10: TORABOR GOGOI
S/O LATE KESHARAM GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

11: SMT. BOBI BARUAH
W/O LATE TITU BARUAH
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

12: DIGANTA BARUAH
S/O PUBYA BARUAH
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

13: SMT. NANI GOGOI
W/O DULAL CH. GOGOI
R/O CHAIKYA GAON
NAMRUP

P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

14: BIREN CHETRY
S/O LATE BIBBAHADUR CHETRI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

15: NARAYAN THAKURI
S/O GONESH THAKURI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

16: SMT BOBISMITA CHETIA GOGOI
W/O SHRI JADUNATH GOGOI
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

17: AMULYA SONOWAL
S/O LATE BASANTA SONOWAL
R/O CHAIKYA GAON
NAMRUP
P.O.-PARBATPUR
P.S.-NAMRUP
MOUZA-JOYPUR
DIST-DIBRUGARH

ASSAM
PIN-78662

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF REVENUE, DISPUR-06, KAMRUP, ASSAM

2:THE BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED
A GOVT. OF INDIA UNDERTAKING
REPRESENTED BY ITS MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT NAMRUP
P.O.-PARBATPUR
DIST-DIBRUGARH
ASSAM
PIN-786623

3:M/S ASSAM PETROCHEMICALS LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT NAMRUP
P.O.-PARBATPUR
DIST- DIBRUGARH
ASSAM
PIN-786623

4:THE DEPUTY COMMISSIONER
DIBRUGARH
ASSAM

5:THE ADDITIONAL DEPUTY COMMISSIONER
DIBRUGARH (R)
ASSAM

6:THE CIRCLE OFFICER
NAHARKATIA REVENUE CIRCLE
NAHARKATIA
DIBRUGARH
ASSAM

7:THE ESTATE OFFICER
BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED
NAMRUP
P.O.-PARBATPUR
DIST-DIBRUGARH
ASSAM
PIN-78662

Advocate for the Petitioner : MR. P J SAIKIA, MR. A K SAHU, MR. L N DIHINGIA

Advocate for the Respondent : SC, REVENUE, MR D CHUTIA (R-2,7), MS E CHOUDHURY (r-3), MR. M GOGOI (r-3), MR. N DEKA (r-3), GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

JUDGMENT AND ORDER (CAV)

Date : 18-02-2026

Heard Mr. L.N Dihingia, learned counsel for the petitioners. Also heard Mr. D Chaliha, learned counsel appearing for respondent Nos. 2 & 7 and Mr. N Deka, learned counsel appearing for the respondent No. 3.

2. The petitioners, by way of instituting the present Writ Petition, has presented a challenge to orders dated 02.06.2023, passed by the Estate Officer, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) i.e. the respondent No. 7, directing the petitioners to vacate the plots of land under their possession.

3. The petitioners, in the Writ Petition, have projected that they were in occupation of Government lands since 1982 without any objection from any quarter. It is also projected that the petitioners were paying land revenue, since the date of their occupation of the said lands, to the Government. The petitioners also further contend that the government authorities had also provided facilities like electricity connection, water supply, Ration Card, house number etc. to the premises occupied by the petitioners and accordingly, it is contended that the petitioners were permissive occupiers of the plot of land in their possession.

The petitioners contend that the land under their possession, covered by dag no. 74, does not belong to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). It is projected that a dispute had arisen between the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) and Assam Petrochemicals Ltd. (APL), with regard to a

plot of land measuring 326 bighas 3 kathas and 10 lechas. The said dispute had resulted in institution of Writ Petition being WP(C) No. 2053/2011 by the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL).

It is contended that during the pendency of the said proceedings, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) had taken steps to hand over the left out portion of land to APL authorities and the matter was amicably settled. It is contended by the petitioners that in the proceedings of WP(C) No. 2053/2011, there was no contentions raised that the land under the possession of the petitioners, covered by dag No. 74, also belongs to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL).

It is in the said background that the petitioners contend that the eviction proceedings, instituted in the matter, by the Estate Officer of Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), is to be viewed.

4. The Manager, Administration, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) filed petitions before the Estate Officer, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), praying for eviction of unauthorized occupants or dependants or their representatives from land covered by dag no. 74, Periodic patta no. 5 of Namrup Town, Part-V, Jaipur Mouza, Naharkatia Revenue Circle, Dibrugarh District. Accordingly, the said complaints came to be registered as Eviction Case Nos. 25/2021, 27/2021, 30/2021, 33/2021, 34/2021, 35/2021, 36/2021, 38/2021, 39/2021, 41/2021 and 42/2021. The petitioners contend that in the said proceedings, there was no categorical statement made that the land under their possession covered by dag no. 74, belonged to the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). In spite of the said position, it is contended that the Estate Officer, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), proceeded to take cognizance of the complaints and issued notices to the petitioners, herein.

5. It is projected that on conclusion of the said proceedings, orders, all dated 02.06.2023, came to be passed in the said proceedings, directing the petitioners, herein, to vacate the land under their possession. The petitioners contend that a perusal of the said order would reveal that the petitioners had not filed any written objection in the matter. However, it was contended in the said orders that the petitioners were heard while passing the said orders. It is further contended that the petitioners could not furnish any documents justifying their illegal possession of the land, in question. It is submitted that the petitioners, on account of lack of knowledge of such proceedings, could not effectively take part, therein, and accordingly, a prejudice was caused to them in defending their rights in the said proceedings. The petitioners project that the land having not been demonstrated to belong to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), the eviction proceedings, admittedly, were instituted without jurisdiction by the Estate Officer, Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), i.e. the respondent No. 7, herein.

It is in background that the petitioners had instituted the present proceedings.

6. Mr. L.N Dihingia, learned counsel for the petitioners, by reiterating the facts noticed, hereinabove, has submitted that the land under possession of the petitioners covered by dag no. 74, has not been demonstrated by the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities to belong to them. It is further submitted that the petitioners were not given adequate opportunities to present their stand before the Estate Officer. It was also contended that on appearance of the petitioners before the Estate Officer, they were required to sign on some blank papers and thereafter, the said blank signed papers were used to record the admission of the petitioners that they were unauthorizedly occupying lands belonging to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). He submits that land not being demonstrated to belong to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), the very initiation of the eviction proceedings was

without jurisdiction and would call for interference by this Court.

7. Mr. L.N Dihingia, learned counsel for the petitioners, by referring to the proceedings before this Court, in WP(C) No. 2053/2011, submits that in the said proceedings, there is no reference to the land covered by dag No. 74 and also to the fact that the parcel of land was encumbered by unauthorized occupants. He submits that it is only land covered by dag no. 76 that is settled with the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities. In the above premises, Mr. L.N Dihingia, learned counsel for the petitioners submits that the impugned orders dated 02.06.2023 connected in the said eviction cases would mandate interference from this Court.

8. *Per contra*, Mr. D Chaliha, learned counsel appearing for the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities i.e. the respondent No. 2 & 7, at the outset, has submitted that the eviction proceedings were instituted against the petitioners under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and accordingly, in terms of the provisions of Section 9, an appeal from the order of the Estate Officer would lie before the Appellate Authority, who is the District Judge of the District wherein, the public premises, is so situated. Accordingly, it is submitted that the petitioners, have an efficacious alternative remedy and accordingly, the present proceedings would not be maintainable.

9. The learned counsel for the respondent No. 2, further submits that the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities in terms of the land records existing in the matter is the absolute owner of a plot of land measuring 6 bighas 1 katha 8 lechas, covered by dag no. 74, periodic patta no. 5 of village Namrup Town Part V, Mouza-Joypur under Naharkatia Revenue Circle, which has been unauthorizedly possessed by the petitioners, herein. It is further submitted by the learned counsel for the respondent No. 2, that the petitioners were given all due opportunity to place on record their stand in the matter,

however, the petitioners could not justify the possession by them, of the land belonging to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL).

10. The learned counsel for the respondent no. 2 has also submitted that the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) was earlier known as Fertilizer Corporation of India (FCL) and was subsequently, renamed as Hindustan Fertilizer Corporation, after de-merger it was renamed as Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). The Fertilizer Corporation of India (FCL) through a sale-deed executed in the year 1974, had sold 326 bighas 3 katha and 10 lecha land to the Assam Petrochemicals Ltd. (APL). The Assam Petrochemicals Ltd. (APL), after the said sale had taken place, took possession and constructed a boundary wall and established its factory and other infrastructure within the land so sold to it. There was no dispute with regard to the sale of land by the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) to Assam Petrochemicals Ltd. (APL) and also the land in the possession of Assam Petrochemicals Ltd. (APL). However, subsequently a claim was made by the Assam Petrochemicals Ltd. (APL) authorities for an additional portion of land measuring 72 bighas 3 katha under dag no. 60(Kha). Being aggrieved by the orders passed by the revenue authorities in the matter, the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) had instituted a Writ Petition being WP(C) No. 2053/2011, before this Court.

11. The learned counsel for the respondent no. 2 submits that during the pendency of the said Writ Petition, the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and the Assam Petrochemicals Ltd. (APL) authorities resolved their disputes. It is submitted that the said lis which was pending between Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and the Assam Petrochemicals Ltd. (APL) authorities, would have got no relevance to the issue arising in the present Writ Petition. It is submitted that a perusal of the orders passed by the Eviction Officer would reveal that the petitioners, herein, had themselves admitted to being in unauthorized occupation of the plots of land in

their possession covered by dag no. 74. In the said premises, it is submitted that the orders passed by the Estate Officer would mandate no interference from this Court.

12. Mr. N Deka, learned counsel appearing for the Assam Petrochemicals Ltd. (APL) authorities has submitted that the petitioners have not sought for any relief against the respondent No. 3 and accordingly, the respondent no. 3 is not a necessary party to the present lis.

13. I have heard the learned counsel for the parties and perused the materials available on record.

14. A preliminary objection was raised by Mr. D Chaliha, learned counsel appearing for respondent No. 2 & 7, with regard to the maintainability of the present Writ Petition, given the provisions of Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Considering the long lapse of time occasioning in the matter, after institution of the present Writ Petition, this Court refrains from non-suiting the petitioners, basing on the said preliminary objection raised by learned Senior counsel appearing for respondent No. 2 & 7.

15. The pleadings brought on record reveal that the petitioners are in occupation of a plot of land covered by dag no. 74. While the petitioners have contended that the said plot of land under their occupation does not belong to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and is Government land, the same was disputed by Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities, in the matter. The Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities have brought on record the Jamabandi of the area and therefrom, it is apparent that land measuring 72 bighas 3 lechas, covered by dag No. 72, 74 & 76, belonged to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). The dispute between the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and the Assam Petrochemicals Ltd. (APL) authorities, pertaining to the possession of a

plot of land covered by dag no. 60(Kha). The possession of land, covered had dag no. 74, was never in dispute in the said proceedings.

16. The dispute pertaining to the possession of land covered by dag no. 60(Kha) was amicably resolved between the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and the Assam Petrochemicals Ltd. (APL) authorities. In the notices issued to the petitioners, therein, by the Estate Officer, the land under their possession was projected to be covered by dag no. 74 and Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities was projected to be the absolute owners of the plot of land covered by dag no. 74. The petitioners, in the present proceedings, have not denied receipt of notices in the eviction cases, registered against them, by the respondent No. 7 i.e. Estate Officer of Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL). A perusal of the orders dated 02.06.2023, passed in the eviction cases so registered against the petitioners, reveals that the petitioners had appeared before the Estate Officer and had admitted that the plot of land in question belongs to Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) and they were occupying the land in question without any authority and/or permission from the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities. It was further projected that the petitioners could not produce any documentary evidence to substantiate that they were in lawful possession of the land in question.

17. The Estate Officer further in his order noted that the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities had submitted cadastral maps, records of rights (jamabandi) and revenue paying receipt, in respect of the land in question and had prayed for eviction of the unauthorized occupants i.e. the petitioners, herein.

18. Basing on the materials coming on record, as well as the statements of the petitioners, the Estate Officer proceeded to conclude that the land in question was a public premise and it belonged to the Brahmaputra Valley Fertilizer Corporation

Ltd. (BVFCL) authorities and further that the petitioners were unauthorized occupants of the said plot of land. Basing on the said conclusion, the petitioners were directed to vacate the said plot of land within a period of 15(fifteen) days from the date of publication of the order, failing which they would be liable to be evicted from the said premises, if need be by use of such force.

19. The petitioners in the present proceedings have disputed the contentions raised in the impugned order dated 02.06.2023 by the Estate Officer. It is contended that the petitioners had not made the submissions as recorded against their names in the impugned orders. The said being the position, this Court has examined the pleadings of the petitioners brought on record in the present Writ Petition as well as rejoinder affidavit filed by the petitioners to the affidavit filed by the respondent no. 2 & 7.

20. On a perusal of the pleadings, this Court does not find any contentions raised by the petitioners that they were in permissive possession of the land under their occupation. The petitioners have based their case solely on the pleadings available in the proceedings of WP(C) No. 2053/2011. The said contentions would be of no assistance to the petitioners, in as much as the disputes involved in the said proceedings was pertaining to the possession of land covered by dag no. 60(Kha). The said dispute, subsequently, was resolved by and between Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities and the Assam Petrochemicals Ltd. (APL) authorities. The petitioners have also not projected that the land under their occupation actually belongs to Assam Petrochemicals Ltd. (APL) authorities. There is no material brought on record to demonstrate that the land possessed by the petitioners and covered by the dag no. 74 was Government land. The records of right as brought on record by the respondent no. 7 having demonstrated the plot of land covered by dag no. 74 to belong to the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities, in absence of any contrary material brought on record by the petitioners, this Court is not in a position to adjudicate such

disputed questions of fact. The Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) being a public sector company, their land would also be covered by the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971, and accordingly, this Court does not find any error in institution of eviction cases under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, with regard to the eviction of the petitioners who, admittedly, are unauthorized occupants of the land in question.

21. Further the petitioners having admitted receipt of notice of the eviction cases, instituted against them and they also having not denied the fact that they had appeared before the Estate Officer in pursuance of receipt of such eviction notices, this Court is of the considered view that the procedure as prescribed under the provisions of the Act of 1971 were duly complied with by the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities. The petitioners have contended that the findings recorded by the Estate Officer in the impugned order dated 02.06.2023 to the effect that the petitioners had admitted that the plot in question belonged to the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) and they were occupying the same without authority and permission from the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL) authorities, to be perverse. Even if the said statements are not attributed to the petitioners, herein, the same would not advance the case of the petitioners, in as much as the petitioners have failed to dispute such position in the present Writ Petition and as noticed hereinabove, no material was brought on record to demonstrate that the plot of land under the occupation of the petitioners was in fact, land belonging to the Assam Petrochemicals Ltd. (APL) authorities and/or to the Government of Assam.

22. In view of the above conclusions reached by this Court, this Court is of the considered view that the challenge as presented by the petitioners to the orders dated 02.06.2023 passed by the Estate Officer, impugned in the present proceedings, would not mandate acceptance.

23. Accordingly, the present Writ Petition is held to be devoid of any merit and the same stands dismissed. However, there would be no order as to costs.

24. However, dismissal of the present Writ Petition would not bar the petitioners from instituting appropriate proceedings under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 against the orders passed by the Estate Officer, i.e. the respondent no. 7, herein. In the event, any such proceeding is so instituted, the same be considered on its own merits.

JUDGE

Comparing Assistant