

GAHC010150382025



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

Case No. : WP(C)/3874/2025

SHANTI BEWA AND ORS
W/O LT NUR HOQUE R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

2: OSMAN ALI
S/O MONIR UDDIN R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

3: SUKITAN NESSA
W/O FAJAL HOQUE R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

4: KURBAN ALI
S/O JENAB BAKSA R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

5: SABAR ALI
S/O MOTIBAR RAHMAN R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

6: RAHMAN ALI
S/O ABUL GONI R/O VILL CHARUBAKHRA JANGAL BLOCK PO TILAPARA
PS CHAPAR DIST DHUBRI ASSAM

7: ANOWARA BEWA
S/O JAHIRUDDIN ALIAS JAHAR ALI SHEIKH R/O VILL CHARUBAKHRA
JANGAL BLOCK PO TILAPARA PS CHAPAR DIST DHUBRI ASSAM

8: SAFIAR RAHMAN
S/O ISMAIL SHEIKH R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

9: ABDUL SALAM
S/O SAKER ALI R/O VILL CHARUBAKHRA JANGAL BLOCK PO TILAPARA

PS CHAPAR DIST DHUBRI ASSAM

10: SHAHJAHAN ALI
S/O ABDUL HOQUE R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

11: HASEN ALI
S/O MAHAMMAD ALI R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

12: NIJAM UDDIN
S/O KORAB ALI R/O VILL CHARUBAKHRA JANGAL BLOCK PO TILAPARA
PS CHAPAR DIST DHUBRI ASSAM

13: RASID ALI
S/O BOSIR UDDIN R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

14: CHAN ALI
S/O TUFAINA SHEIKH R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

15: ATTAL HUSSAIN
S/O MESER UDDIN R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

16: HANIF ALI
S/O ABDUL SABUR R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSAM

17: HABEZ ALI
S/O ABDUL SOBUR R/O VILL CHARUBAKHRA JANGAL BLOCK PO
TILAPARA PS CHAPAR DIST DHUBRI ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM REVENUE
AND DISASTER MANAGEMENT DEPTT JANATA BHAWAN DISPUR
GUWAHATI 781006

2:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER REVENUE DHUBRI
ASSAM

4:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE DHUBRI ASSAM

5:THE CO DISTRICT LAND ADVISORY COMMITTEE
BILASIPARA DHUBRI ASSAM REP BY THE DISTRICT COMMISSIONER
DHUBR

Advocate for the Petitioner : MR S BORTHAKUR, MR SAURADEEP DEY,MR. A R
HAZARIKA,P KHATANIAR

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT
DEPT

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.07.2025

Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned standing counsel for the Revenue Department, representing respondent no.1 and Mr. D. Nath, learned senior Govt. advocate appearing for respondent nos. 2 to 5.

2. By filing this petition under Article 226 of the Constitution of India, the 17 petitioners herein have prayed for quashing of the speaking orders under Memo No. CPR/2025 dated 21.04.2025, issued by the Circle Officer, Chapar Revenue Circle; and for quashing of the notice No. DRS.24/2025 dated 12.06.2025, issued by the Additional District Commissioner (Revenue), by which the petitioners were directed to show cause as to why they shall not be evicted from the land described therein; and moreover, the petitioners have also prayed for quashing of the minutes of the Co- District Land Advisory Committee dated 26.03.2025 and 02.04.2025, to the extent of allotting the land of the petitioners to the APDCL for power project; as well as for protection from eviction.

3. The learned counsel for the petitioners has submitted that the petitioners were allotted land of various descriptions, which are more fully described in Anneuxre-1 series to this petition and by the impugned speaking order dated 21.04.2025, though an opinion was expressed that the allotment certificates may be cancelled, but by subsequent impugned notice dated 12.06.2025, the land allotted to the petitioners were treated as Government khas land and notices have been issued to the petitioners, projecting them as unauthorised and illegal occupation of the Government land.

4. Opposing the prayer for interim relief, the learned standing counsel for the Revenue that the Department has submitted that in terms of the directions contained in the case of *Salak Uddin v. State of Assam & Ors. (2024) 6 GLR 614*, the State Authorities are taking appropriate steps as provided under the Assam Land and Revenue Regulations, 1886 by issuing proper notice and depending on the orders that would be passed in those eviction notices further steps will be taken by the State Government. Accordingly, it is submitted that the steps taken by the Revenue Authorities are also in strict compliance of the directions contained in paragraph 11 of the order dated 05.05.2025 passed by this court in WP(C) 2355 of 2025.

5. Issue notice returnable on 30.07.2025.

6. Requisite extra copy of this writ petition be served on the learned State and departmental counsel in course of the day.

7. Affidavit, if any, be filed by the State respondents within 29.07.2025.

8. Heard both sides on the prayer for interim relief. The prayer for interim relief is opposed by the learned standing counsel for the Revenue Department as well as by the learned Senior Govt. advocate.

9. It would be appropriate to quote paragraph 11 of the order dated 05.05.2025 passed by this court in WP(C) 2355 of 2025, which is filed by the present petitioners.

“11. The law regarding eviction of persons in unauthorized occupation of Government khash land have been settled by a long line of decisions including Salak Uddin vs. State of Assam and others, reported in 2024 [6] GLR 614. In view of the procedure laid down under the Assam Land and Revenue Regulation, 1886 and the Rules framed thereunder and also the decision of the Hon'ble Division Bench in Salak Uddin [supra], it is observed that if any action for eviction is contemplated by the respondent authorities in respect of the plots of land claimed to be in occupation of the petitioners, then such action must be in strict adherence to the procedure laid down in the Assam Land and Revenue Regulation, 1886 and the Rules framed thereunder and the directions made in Salak Uddin [supra] which includes a prior notice to each of the persons who is alleged to be in unauthorized occupation of the Government khash and ceiling surplus land.”

10. It appears from paragraph 3 of the notice dated 12.06.2025 (Annexure-6 series) that the allotments orders of the petitioners have already been cancelled in the CD LAC meeting held on 27.05.2025. Moreover, the said notice does not indicate as to whether the petitioners were given a right of hearing, the Court is inclined to provide that within 3 days from the date of receipt of certified copy of this order, the District Commissioner, Dhubri shall provide the petitioners with a copy of the order of cancellation of allotment by the CD LAC in its meeting held on 27.05.2025.

11. To facilitate the office of the District Commissioner, Dhubri to communicate the same to the petitioners, the petitioners are directed to provide one email address to the office of the District Commissioner, Dhubri along with a certified copy of this order so as to enable the said authority to communicate

the cancellation orders to the petitioners.

12. At this stage, the Court is also inclined to issue notice on the respondents to file a specific reply as to whether in the process of passing of the speaking order under Memo No. CPR/2025 dated 21.04.2025 and in the process of cancelling the allotment order by the CD LAC in its meeting held on 27.05.2025, whether the petitioners were given a notice before such steps were taken.

13. In view of above quoted paragraph 11 of the order dated 05.05.2025, it is provided that unless a decision is taken in accordance with law, all actions taken by the State respondents shall be strict adherence to the procedure laid down in the Assam Land and Revenue Regulations, 1886 and rules framed therein.

14. Till the next date of listing, as an interim measure, it is directed that the 17 (seventeen) petitioners shall not be evicted from their land, which is specifically described in the notice under Memo No. DRS.24/2025 dated 12.06.2025, issued by the Addl. District Commissioner (Revenue), Dhubri.

15. This order shall be qua the 17 (seventeen) petitioners herein.

16. List on 30.07.2025.

JUDGE

Comparing Assistant