

GAHC010159372026



undefined

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

Case No. : WP(C)/4022/2026

ZAKIR HUSSAIN
SON OF LATE SIRAJUL HAQUE, RESIDENT OF KOKJHAR (NEW COLONY),
MIRZA, KAMRUP, P.O.- MIRZA, P.S.- PALASHBARI, DISTRICT- KAMRUP,
ASSAM, PIN-781125

VERSUS

THE STATE OF ASSAM AND 5 ORS.
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, JANATA
BHAWAN (ASSAM SECRETARIAT COMPLEX), DISPUR, GUWAHATI- 781006

2:THE DISTRICT COMMISSIONER
KAMRUP
ASSAM

3:THE CO-DISTRICT COMMISSIONER
PALASHBARI CO-DISTRICT
KAMRUP
ASSAM

4:THE CIRCLE OFFICER
PALASHBARI REVENUE CIRCLE
KAMRUP
ASSAM

5:THE SUPERINTENDENT OF POLICE
KAMRUP
ASSAM

6:THE OFFICER IN CHARGE
PALASHBARI POLICE STATION

KAMRUP
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, MR N Z CHOUDHURY

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

30.07.2026

Heard Mr. A.R. Bhuyan, learned Senior Counsel assisted by Mr. N.Z. Choudhury, learned counsel for the petitioner; Mr. R. Borpujari, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2 to 6.

2. The petitioner has been served with an Eviction Notice dated 16.07.2026 by the respondent no. 4.

3. The operative parts of the Eviction Notice dated 16.07.2026 read as under :-

Whereas the District Commissioner, Kamrup vide order No. E-177549LS/206/2026-KRS/32 dated 16.07.2026 and Co-District Commissioner vide Letter No. CDC/PAL/Hearing-Khena Allibari/70/2026/546 dated 16.07.2026 directed the undersigned to initiate eviction on process against non-protected class as per Rule 165[1], 165[2] and 165[3] of the ALRR, 1886 in respect of unsettled and periodically settled lands in the Revenue Village Khena Allibari [Part-1] under Palashbari Revenue Circle.

Therefore, the following individuals [List of Annexure-A] are directed to vacate, remove all structure,

belonging to encroachments from the below mentioned schedule of land within 15 [fifteen] days on receipt of this notice.

4. Mr. Borpujari, learned Standing Counsel, Revenue & Disaster Management Department has submitted that he will produce the copies of the Order No. E-177549LS/206/2026-KRS/32 dated 16.07.2026 of the District Commissioner, Kamrup and the Letter No. CDC/PAL/Hearing-Khena Allibari/70/2026/546 dated 16.07.2026 of the Co-District Commissioner on the ground that before proceeding further in the matter, a look at those documents appear necessary. He has, therefore, sought listing of the case on another date.

5. As sought for by Mr. Borpujari, list the case on 10.08.2026.

6. Till the next date of listing, there shall not be any consequential action in terms of the Eviction Notice dated 16.07.2026 against the petitioner.

JUDGE

Comparing Assistant