

GAHC010166862025



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

Case No. : WP(C)/4258/2025

YUNUS ALI AND 14 ORS.

S/O- IDDICHA ALI. AGE- 53 YEARS VILL- GELAJAN, DIST- GOLAGHAT,
ASSAM.

2: JAKIR HUSSAIN

S/O- KARI ISMAIL. AGE- 36 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

3: NUMAN ALI

S/O- ABDUL KALAM. AGE- 38 YEARS VILL- BIDYAPUR
DIST- GOLAGHAT
ASSAM.

4: TAHIR HUSSAIN BARBHUYAN

S/O- MOIN UDDIN BARBHUYAN. AGE- 33 YEARS VILL- BIDYAPUR
DIST- GOLAGHAT
ASSAM

5: NURUL ISLAM

S/O- IMAN ALI. AGE- 74 YEARS VILL- NO 2 MADHUPUR
DIST- GOLAGHAT
ASSAM.

6: HARIS ALI

S/O- CHAMAR @ SAMAR ALI. AGE- 31 YEARS VILL- GELAJAN. DIST-
GOLAGHAT
ASSAM

7: FAIJUL HOQUE

S/O- JALAL UDDIN. AGE- 32 YEARS VILL- RAJAPUKHURI
DIST- GOLAGHAT
ASSAM.

8: ABUL HUSSAIN
S/O- MOIJUDDIN. AGE- 42 YEARS VILL- RAJAPUKHURI
DIST- GOLAGHAT
ASSAM.

9: ABUL HACHIM
S/O- HABIJ UDDIN. AGE- 79 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

10: AHMED ALI
S/O- UMED ALI. AGE- 65 YEARS VILL- DHUPGURI
DIST- GOLAGHAT
ASSAM.

11: JAFAR ALI
S/O- MAJIT ULLAH. AGE- 70 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

12: KAPIL UDDIN
S/O- CHABU SHAIKH. AGE- 57 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

13: SAMSUL HAQUE
S/O- ROMJAN ALI. AGE- 59 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

14: ABDUS SALAM
S/O- ABDUL HAMID. AGE- 45 YEARS VILL- GELAJAN. DIST- GOLAGHAT
ASSAM.

15: SAIFUL ISLAM
S/O- NUR ISLAM. AGE- 30 YEARS VILL- RAJAPUKHURI NO. 3
DIST- GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS.
TO BE REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM, JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX), DISPUR,
GUWAHATI- 781006

2:SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT

JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

3:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

4:PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST
FORCE AND WILDLIFE
O/O THE PCCF AND HOFF
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI- 781037.

5:DIVISIONAL FOREST OFFICER
GOLAGHAT DIVISION
GOLAGHAT
ASSAM.

6:DISTRICT COMMISSIONER
GOLAGHAT
ASSAM

7:SUPERINTENDENT OF POLICE
GOLAGHAT
ASSAM

8:CIRCLE OFFICER
SARUPATHAR REVENUE CIRCLE
GOLAGHAT
ASSAM

9:OFFICER -IN- CHARGE
URIAMGHAT POLICE STATION
GOLAGHAT
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, S LASKAR,MR S ABDULLAH,MR. M A I
HUSSAIN,MR N Z CHOUDHURY,MR N A MAZARBHUIYA

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

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

29.07.2025

Heard Shri A.R. Bhuyan, learned counsel for the petitioners. Also heard Shri D. Saikia, learned Advocate General, Assam assisted by Shri D. Nath, learned Senior Government Advocate, Assam and Shri P.N. Goswami, learned Additional Advocate General, Assam for the Forest Department.

2. The petitioners, who are 15 in numbers, have put to challenge certain notices dated 21.07.2025 and 24.07.2025 whereby they have been directed to vacate their land within 7 days. The edifice of the challenge is non-adherence to Section 18(2) of the Assam Land and Revenue Regulation, 1886, violation of the Assam Land Policy, 2019 and the Guidelines of the Hon'ble Supreme Court in its order dated 13.11.2024 passed in WP(C)/295/2022.

3. Shri Bhuyan, learned counsel for the petitioners has contended that the land in question is under their possession since the time of their forefather and they are residing there. He has also submitted that though the notices claimed the land to be forest land, till now there is no specific demarcation as to whether the land is revenue land or forest land. He accordingly submits that in absence of any such clear demarcation, the impugned action would not be sustainable in law.

4. Let notice be issued, returnable by 6(six) weeks.

5. Shri D. Nath, learned Senior Government Advocate assisting the learned A.G. accepts notice on behalf of the respondent nos. 1, 3 & 6 to 9 and Shri P.N. Goswami, learned Additional Advocate General, Assam accepts notice on behalf of the respondent nos. 2, 4 & 5. Extra copies of the writ petition be served upon

the learned counsel for the respondents within two working days.

6. Shri Bhuyan, learned counsel for the petitioners prays for an interim order. He has submitted that the guidelines of the Hon'ble Supreme Court itself has envisaged a minimum period of 15 days and 7 days period is too less. He has further submitted that there are residential houses on the land in question and without taking into consideration the aforesaid aspect, the impugned order has been passed.

7. On the other hand, Shri Saikia, learned Advocate General has submitted that the land in question is a forest land where there is no requirement in law to grant time as residing in a forest land is itself a punishable offence. He has also submitted that most of the petitioners have land elsewhere and are unauthorizedly and illegally occupying huge chunks of forest land causing environmental hazards.

8. Shri Goswami, learned Additional Advocate General has endorsed the aforesaid submission of the learned Advocate General and has reiterated that the land in question is a forest land and the action taken is in the larger interest of the public. He has also submitted that the guidelines of the Hon'ble Supreme Court, which has been relied upon by the petitioners, will have no application as those were passed in the context of certain houses of persons who were accused of criminal offence.

9. After considering the rival submissions and also keeping in view the submissions made on behalf of the petitioners that 7 days time would be too less, this Court directs that the time to vacate the land in question be extended till 07.08.2025 and till such time, no forceful eviction be carried out. It is however made clear that after the said date i.e. 07.08.2025, the State will be

within its bound to take any steps for eviction and conservation of the forest land. It is also made clear that this order would be confined only to the present petitioners.

10. List this case after 6(six) weeks.

JUDGE

Comparing Assistant