

GAHC010174502016



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

**Case No. : WP(C)/6465/2016**

ABDUL HAI  
S/O. AZUT ALI, VILL. CHENIBARI, P.O. RANIPUKHURI, P.S. DHULA, DIST.  
DARRANG, ASSAM.

VERSUS

MD. JULHAS UDDIN and 11 ORS  
S/O. LT. AZIMUDDIN, VILL. NAGAJAN, P.O. KHARUPETIA, P.S.  
KHARUPETIA, DIST. DARRANG, ASSAM, PIN. 784115. LAND MARK NEAR  
FAKIRPARA G.P. OFFICE.

2:MRS. ANWARA BEGUM  
W/O. MD. MAFIJAL HAQUE  
VILL. NAGAJAN  
P.S. KHARUPETIA  
P.O. KHARUPETIA  
DIST. DARRANG  
ASSAM. LAND MARK NEAR NAJAGAN L.P. SCHOOL.

3:MD. ABDUL RASHID  
S/O. LT. LAT SAHAB UDDIN  
R/O. PANBARI ROAD  
W/N-7  
KHARUPETIA TOWN  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

4:MD. WAHED ALI  
S/O. LT. SORHAB ALI

VILL. NAGAJAN  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM.

5:MD. NURUL HAQUE TALUKDAR  
S/O. HABIBUR RAHMAN TALUKDAR  
VILL. NAGAJAN  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

6:MD. SAMAD ALI  
S/O. LT. ALFAS ALI  
VILL. NAGAJAN  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

7:MD. MOJIBAR RAHMAN  
S/O. LT. SURHAB ALI  
VILL. NAGAJAN  
HOSPITAL ROAD  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

8:MD. ABDUL KHALEK @ IDU  
S/O. MD. MOMIJAL HOQUE  
VILL. MUWAMARI  
P.O. KHARUPETIA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

9:ABDUL JALIL  
S/O. LT. MUKTIL ALI  
VILL. NAGAJAN  
P.O. KHARUPETIA  
P.S. KHARUPETIA

DIST. DARRANG  
ASSAM  
PIN. 784115.

10:MD. BAHAJ UDDIN ALIAS DHANU  
S/O. LT. GANDA AKAND  
R/O. PANBARI ROAD  
W/N-7  
KHARUPETIA TOWN  
IN FRONT OF DR. JALAL PRADHAN CLINIC  
P.O. and P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

11:MD. LAL BAHADUR  
S/O. LT. SAHARUDDIN AKAND  
R/O. W/N-2  
NIMTOLI  
IN FRONT OF JATIYA VIDYALAY  
P.O. and P.S. KHARUPETIA  
DIST. DARRANG  
ASSAM  
PIN. 784115.

12:THE STATE OF ASSAM  
REPRESENTED BY PUBLIC PROSECUTOR  
GAUHATI HIGH COURT  
GUWAHATI

**Advocate for the Petitioner** : MR.A DAS, MR.M U MAHMUD,MR.M ALI,MR.M R Z  
CHOUDHURY

**Advocate for the Respondent** : PP, ASSAM, MR.A R SHOME,MR.S CHAUHAN

**BEFORE  
HONOURABLE MR. JUSTICE KARDAK ETE**

**ORDER**

**Date : 25.11.2025**

Heard Mr. M. U. Mahmud, learned counsel for the petitioner.

This writ petition is filed against the order dated 19.08.2016, passed by the learned Additional District Judge (FTC)-cum-Special Tribunal, Darrang, Mangaldai, in Special (L.G.) Case No. 06/2015, whereby the matter has been remanded to the learned Chief Judicial Magistrate for trial of the offence under Sections 447/506/427/34 of the Indian Penal Code, having found that no case under Sections 3 & 6 of Assam Land Grabbing (Prohibition) Act, 2010 is *prima facie* established.

It is noticed that an appeal against a judgment and order of the Special Tribunal would lie before the Special Court under Section 13 of Assam Land Grabbing (Prohibition) Act, 2010. The record, however, indicates that the State of Assam has not constituted the Special Court as required under Section 14 of the Assam Land Grabbing (Prohibition) Act, 2010.

None appeared for the respondents including the State of Assam initially. However, on the request of this Court, Mr. K. Baishya, learned Additional Public Prosecutor, has appeared and submits that he is not authorized to appear in a writ petition even if it pertains to criminal proceedings.

Although this Court finds strange to such submission, since Mr. Baishya, learned Additional Public Prosecutor, has appeared for the first time in this matter, a week's time is granted to obtain instruction as to whether any Special Court has been constituted under Section 14 of the Assam Land Grabbing

(Prohibition) Act, 2010.

It is expected that the learned Public Prosecutor shall appear in this matter on the next date.

List the matter on 03.12.2025.

**JUDGE**

**Comparing Assistant**