

GAHC010187502024



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

**Case No. : WP(C)/4695/2024**

SANTOSH ALI @ SHONTOSH ALI  
S/O- LATE MOFIJUDDIN, VILL.- HATIMURA, P.O.. HASDOBA, P.S.  
LAKHIPUR, DIST. GOALPARA, ASSAM, PIN- 783129.

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, REVENUE AND DISASTER MANAGEMENT, DISPUR, GHY-06.

2:THE DIRECTOR  
LAND RECORDS AND SURVEYS ETC.  
ASSAM  
RUPNAGAR  
GHY-32.

3:THE DISTRICT COMMISSIONER  
GOALPARA  
P.O.  
P.S. AND DIST. GOALPARA  
ASSAM  
PIN- 783101.

4:THE CIRCLE OFFICER  
LAKHIPUR REVENUE CIRCLE  
LAKHIPUR  
P.S. LAKHIPUR  
DIST. GOALPARA  
ASSAM  
PIN- 783129.

5:THE DIVISIONAL FOREST OFFICER

GOALPARA DIVISION  
P.O  
PS AND DIST. GOALPARA  
ASSAM  
PIN- 783101.

6:DHRUBA DUTTA  
RANGER  
LAKHIPUR FOREST RANGE OFFICE  
P.O. AND P.S. LAKHIPUR  
DIST. GOALPARA  
ASSAM  
PIN- 783129

For the Petitioner(s) : Mr. A. Hussain, Advocate

For the Respondent(s) : Mr. J. Handique, Jr. Govt. Advocate  
Mr. R.R. Gogoi, Standing Counsel  
Ms. G. Hazarika, Standing Counsel

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 14.07.2026**

Heard Mr. A. Hussain, the learned counsel appearing on behalf of the petitioner. Mr. J. Handique, the learned Junior Government Advocate appears on behalf of the District Administration; Mr. R.R. Gogoi, the learned Standing Counsel appears on behalf of the Forest Department and Ms. G. Hazarika, the learned Standing Counsel appears on behalf of the Revenue Department.

2. Pursuant to the order dated 25.02.2026, an affidavit has

been filed by the Circle Officer, Lakhipur Revenue Circle. To the said affidavit filed by the respondent No. 4, a Joint Verification Report pertaining to the Nalbari Reserved Forest dated 28.06.2023 has been enclosed.

3. It surprises this Court to take note of the contents of the said Joint Verification Report inasmuch as it was made at the behest of certain officials of the Lakhipur Revenue Circle along with officials of the Forest Department. However, the report does not mention the identity or designation of the Forest Department officials who participated in the joint verification.

4. It further surprises this Court that a Joint Verification Report pertaining to an eviction being carried out has been prepared at the behest of the Lot Mondol without the participation of the Circle Officer. This Court also takes note of that the Joint Verification Report contains certain GPS coordinates. However, there is nothing on record to indicate the basis on which those GPS coordinates have been put as a part of the Nalbari Reserved Forest.

5. There is also nothing on record to show that the boundaries of the Reserved Forest have been scientifically demarcated by reference to longitudes and latitudes. This Court has further taken note of the stand taken by the Divisional Forest Officer,

Goalpara Division, in the affidavit filed on 03.09.2025, wherein it has been stated that the actions taken by the Forest Department were pursuant to the judgment and order passed by the learned Division Bench of this Court in PIL (Suo Moto) No. 1/2022.

6. This Court finds it pertinent to observe that a perusal of the judgment and order dated 05.09.2022 does not grant the Forest Department an unfettered jurisdiction to evict any person without following the due process of law.

7. This Court had also vide the order dated 25.02.2026 directed the respondent No. 3 to apprise this Court of the reasons for rejecting the petitioner's application seeking allotment of land and it surprises this Court to note from paragraph 5 of the affidavit filed on behalf of the respondent No. 4 that the application was rejected on the ground that the petitioner was occupying forest land and being a person belonging to the general category, an encroacher's application for allotment of the encroached land could not be accepted. In the opinion of this Court, the reasons assigned in the said affidavit are completely contrary to the provisions of the Assam Land Policy, 2019, as well as the Assam Forest Policy, 2004.

8. Under such circumstances, the rejection of the petitioner's

application for allotment requires interference by this Court.

9. In that view of the matter, this Court set aside the rejection of the petitioner's application for allotment and directs the respondent authorities, more particularly the Revenue Department and the District Administration, Goalpara, to reconsider the petitioner's application for allotment of any other revenue land forthwith and to place an update before this Court on the next date.

10. Insofar as the affidavit filed on behalf of the respondent No. 5 is concerned, the respondent No. 5 is directed to provide details of the notification relating to the Nalbari Reserved Forest and further as to whether the boundaries of the Nalbari Reserved Forest have been scientifically demarcated with reference to longitudes and latitudes and, if so, when. An affidavit in that regard shall be filed on or before the next date.

11. Accordingly, list the matter again on 17.09.2026.

12. The matter be shown as part-heard.

**JUDGE**

**Comparing Assistant**