

GAHC010188632023



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

Case No. : WP(C)/5009/2023

JAHANGIR ALI SHAIKH AND 7 ORS.
S/O- LATE HAZARAT ALI SHAIKH, RESIDENTS OF- ALOMGANJ PART VII,
P.O. ALOMGANJ, DISTRICT- DHUBRI

2: MOYNAL HAQUE
S/O- LATE HAZARAT ALI SHAIKH
RESIDENTS OF- ALOMGANJ PART VII
P.O. ALOMGANJ
DISTRICT- DHUBRI

3: JIYAUH HAQUE
S/O- LATE HAZARAT ALI SHAIKH
RESIDENTS OF- ALOMGANJ PART VII
P.O. ALOMGANJ
DISTRICT- DHUBRI

4: MOZIBAR RAHMAN
S/O- LATE MANIK ULLAH SHAIKH
RESIDENTS OF VILLAGE- CHAUTARA
P.O. AND P.S. GAURIPUR
DISTRICT- DHUBRI
PIN NO. 783331

5: MUNJURUL HAQUE
S/O- LATE MANIK ULLAH SHAIKH
RESIDENTS OF VILLAGE- CHAUTARA
P.O. AND P.S. GAURIPUR
DISTRICT- DHUBRI
PIN NO. 783331

6: SAHAR ALI
S/O- LATE SORHAB ALI
RESIDENTS OF VILLAGE- DALANERLGA PART 2
P.O. AND P.S. GAURIPUR

DISTRICT- DHUBRI
PIN NO. 783331

7: AHAR ALI
S/O- LATE SORHAB ALI
RESIDENTS OF VILLAGE- DALANERALGA PART 2
P.O. AND P.S. GAURIPUR
DISTRICT- DHUBRI
PIN NO. 783331

8: JAHANUDDIN
RESIDENT OF- VILLAGE- CHAUTARA
P.O. AND P.S. GAURIPUR
DISTRICT- DHUBRI
PIN NO. 78333

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF REVENUE AND DISASTER MANAGEMENT, GOVERNMENT OF ASSAM,
P.O. DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
GOVERNMENT OF ASSAM
P.O. DISPUR
GUWAHATI- 781006

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY TO BODOLAND
TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN NO- 783370

4:THE JOINT SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN NO.- 783370

5:THE COMMANDANT
20TH AP (IR) BN. HEADQUARTER
PANBARI
DISTRICT- DHUBRI
PIN NO- 783339

6:THE DEPUTY COMMISSIONER
KOKRAJHAR
PIN NO.- 783370

7:THE CIRCLE OFFICER
BAGRIBARI REVENUE CIRCLE
P.O.- BAGRIBARI
DISTRICT- KOKRAJHAR
PIN NO- 78334

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : SC, BTC

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08.11.2023

Heard Mr. S. Das, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent nos. 1 & 2; Mr. S.R. Rabha, learned Standing Counsel, BTC for the respondent nos. 3, 4 & 7; and Mr. H. Sharma, learned Additional Senior Government Advocate, Assam for the respondent nos. 5 & 6.

The grievance of the petitioners is that their patta lands are in occupation of the respondent no. 5.

Mr. Rabha, learned Standing Counsel, BTC who was asked to obtain instructions as to whether the report of the respondent no. 7 has been submitted in the meantime, has submitted that he has received the instructions and 3 [three] weeks' time be granted to file the counter affidavit.

Issue notice, returnable on 13.12.2023.

As all the respondents are represented by their respective learned counsel, no formal notices need to be issued to the said respondents. Mr. Das, learned counsel for the petitioners shall, however, furnish requisite nos. of extra copies of the writ petition along with annexures, to Ms. Bordoloi, Mr. Rabha and Mr. Sharma within 2 [two] working days from today.

The respondent authorities in the BTC shall file its response in the meantime.

JUDGE

Comparing Assistant