

GAHC010193822024



2026:GAU-AS:2335

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

Case No. : WP(C)/4797/2024

SHAJAHAN ALI AND 52 ORS
S/O- NAGOR ALI

2: BADSHA SHEIKH

SON OF LATE SHAHABUDDIN

3: KASEM ALI

AGE 54 YEARS
SON OF LATE MOKRAM ALI

4: SAMIR JALAL
SON OF SAYED ALI

5: ROFIQUL ISLAM

AGE 40 YEARS
SON OF ABDUR RAHIM

6: SHAHJAHAN ALI

AGE 43 YEARS
SON OF JALAL UDDIN SHEIKH

7: SABUR UDDIN

AGE 69 YEARS
SON OF LATE DAROG ALI

8: KUTUB ALI

AGE 24 YEARS
SON OF MANIR UDDIN

9: ABBAS ALI @ ABABACH ALI

SON OF BIDU SHEIKH

10: MOINUDDIN MANDAL
SON OF LATE AFAN MANDAL

11: SHAHINUR ISLAM

AGE -36 YEARS
SON OF JALAL SHEIKH

12: BASER ALI

SON OF MOKTAL HOSEN

13: RUHUL AMIN

SON OF JALAL UDDIN SHEIKH

14: SHAIZ UDDIN

SON OF SOBUR UDDIN

15: NUR ISLAM

SON OF KASHEM ALI

16: NUR UDDIN SK

SON OF BAHAR UDDIN

17: HAJRAT ALI
SON OF KALAM HOSEN

18: FOZOR ALI

SON OF BILAT SHEIKH

19: FOYEZ UDDIN
SON OF LATE KAJIMUDDIN

20: AYNAL HOQUE

SON OF SEBAT ALI

21: TAHAR ALI

SON OF LATE AMCHER ALI

22: KODOM ALI
SON OF PASHAN ALI SK

23: ABED ALI

SON OF SAKIM ALI

24: JABED ALI

SON OF SAKIM ALI

25: ABDUL HAI MANDAL

AGE-68 YRS
SON OF LATE SOBAHAN ALI MONDAL

26: RAMJAN ALI

AGE - 54 YEARS
SON OF LATE SONAULLAH SHEIKH

27: SAMSUL HOQUE

AGE - 47 YRS
SON OF LATE ABDUR RAHMAN

28: BILAT ALI

AGE -62 YEARS
SON OF LATE NUR UDDIN

29: SORMAN ALI

AGE - 55 YEARS
SON OF LATE MOHAMMAD ALI

30: SAHADOT ALI

AGE -38 YEARS
SON OF LATE MOHAMMAD ALI

31: MAJIBAR RAHMAN

AGE - 54 YRS
SON OF LATE KASHEM ALI

32: MOHIM ALI

AGE - 61 YEARS
SON OF LATE AMSER ALI SK

33: ANOWAR HUSSAIN

AGE -40 YRS
SON OF SEBAT ALI

34: MONIR UDDIN AHMED

AGE - 45 YEARS
SON OF LATE ABDUL WAHED

35: MULUK KHATUN

AGE - 50 YEARS
WIFE OF LATE MANNAN ALI

36: BANJU ALI SK

AGE - 58 YEARS
SON OF LATE MOKSED ALI

37: FAJAR ALI

AGE 55 YEARS
SON OF JALAL UDDIN

38: GOLAP UDDIN

AGE - 40 YEARS
SON OF JAYNAL ABDIN

39: JILLUR RAHMAN

AGE - 58 YEARS
SON OF LATE IDRIS ALI

40: JAHURUL ISLAM

AGE - 47 YEARS
SON OF JILLUR RAHMAN

41: MALEKA KHATUN

AGE-54 YEARS
DAUGHTER OF KARIM MOLLAH

42: CHAYED ALI

AGE- 46 YEARS
SON OF ABDUL KUDDUS

43: HALIMAN NESSA

AGE- 54 YEARS
WIFE OF SAYED ALI

44: ABDUL SALAM

AGE - 64 YEARS
SON OF SIDDIQUE ALI

45: NUR BAHAR
SON OF LATE ABDUS SATTAR

46: SURUT JAMAL

AGE - 35 YEARS
SON OF RUHUL AMIN

47: TAJA SHEIKH

AGE -51 YEARS
SON OF LATE MONSER ALI

48: NOUSHAD ALI

AGE - 35 YEARS
SON OF LATE SEBAT ALI

49: AFSAR ALI

SON OF LATE SAHAB UDDIN

50: NOSER ALI

AGE - 50 YEARS
SON OF LATE PASHAN ALI SHEIKH

51: ROFIQUL ISLAM

AGE -40 YEARS

SON OF ABDUR ROHIM

52: AFSAR ALI

AGE - 60 YEARS
SON OF LATE HASEN ALI

53: SUFIA KHATUN

W/O- LATE MOFIJ UDDI

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
FOREST DEPARTMENT, DISPUR GUWAHATI 781006

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI
KAMRUP (M) ASSAM
PIN-781037

3:THE DIVISIONAL FOREST OFFICER
GOALPARA
GEETANAGAR
GOALPARA
ASSAM
PIN-783121

4:THE DISTRICT COMMISSIONER
GOALPARA ASSAM
PIN-783121

5:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE
P.O AND P.S- LAKHIPUR

DIST-GOALPARA ASSAM
PIN-783129

6:THE FOREST RANGE OFFICER
LAKHIPUR RANGE OFFICE

P.O AND P.S- LAKHIPUR

DIST-GOALPARA ASSAM
PIN-78312

For the Petitioner(s) : Mr. A. F. N. U. Mollah, Advocate

For the Respondent(s) : Mr. B. J. Talukdar, Sr. GA, Assam
: Mr. I. Borthakur, SC, Forest

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 16.02.2026

Heard Mr. A. F. N. U. Mollah, the learned counsel appearing on behalf of the Petitioners and Mr. B. J. Talukdar, the learned Senior Government Advocate appearing on behalf of the State Respondents. I have also heard Mr. I. Borthakur, the learned Standing counsel appearing on behalf of the Forest Department.

2. The learned counsel appearing on behalf of the Petitioners has submitted that during the pendency of the instant writ petition, the Petitioners have already been evicted. He therefore submitted that he may be permitted to withdraw the instant writ petition and challenge the eviction without prejudice.

3. The learned counsel for the Petitioner further submitted that the lands in question were not forest lands but were revenue lands and the Forest Authorities therefore did not have the

authority to evict the Petitioners. He submitted that these aspects would be challenged if liberty is given to the Petitioners to file a fresh writ petition.

4. Taking into account the above, the instant writ petition stands closed on withdrawal.

5. Liberty is given to the Petitioners to file a fresh writ petition challenging the eviction and seeking further relief(s) to which the Petitioners are entitled to as per law.

6. This Court further observes that the withdrawal of the instant writ petition shall not cause any prejudice to the Petitioners.

JUDGE

Comparing Assistant