

GAHC010201732025



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

Case No. : WP(C)/5196/2025

SANDUKPARA NITYABAZAR JAME MASZID AND 2 ORS
REPRESENTED BY ITS SECRETARY MAZIBAR RAHMAN, VILL.- SOUTH
BOITAMARI, NITYA BAZAR, P.O. KAYETHPARA, P.S. ABHAYAPURI, DIST.
BONGAIGAON, ASSAM, PIN- 783389.

2: MAZIBAR RAHMAN
S/O- DERAJUDDIN AHMED
SECRETARY OF SANDUKPARA NITYABAZAR JAME MASZID
VILL.- SOUTH BOITAMARI
NITYA BAZAR
P.O. KAYETHPARA
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN- 783389.

3: ASHIBULLAH KHANDAKAR
S/O- LATE ROHOM ALI KHANDAKAR
PRESIDENT OF SANDUKPARA NITYABAZAR JAME MASZID
VILL.- PACHAGAON PT-I
P.O. DHANTOLA
DIST. BONGAIGAON
ASSAM
PIN- 783372

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF LAND, REVENUE AND DISASTER MANAGEMENT,
ASSAM CIVIL SECRETARIAT, DISPUR, GUWAHATI-781006.

2: THE DISTRICT COMMISSIONER
BONGAIGAON

BONGAIGAON DISTRICT
ASSAM
PIN- 783380.

3:THE CIRCLE OFFICER
BOITAMARI REVENUE CIRCLE
BOITAMARI
DIST. BONGAIGAON
ASSAM
PIN- 783384.

4:THE SPECIAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-06
ASSAM

5:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE AND WILD LIFE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI-37.

6:THE DIVISIONAL FOREST OFFICER
BONGAIGAON FOREST DIVISION
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR B D DAS, MR. S SUTRADHAR

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.09.2025

Heard Shri BD Das, learned Senior Counsel assisted by Shri B Purkayastha, learned counsel for the petitioners.

The petitioners are aggrieved by a notice dated 22.08.2025 of eviction. It is the case of the petitioners that the land in question was handed over possession in the

year 1996 and on an earlier occasion in the year 2010, a notice for eviction though issued, was not proceeded with. According to the petitioners, they have filed application under the Basundhara scheme for allotment of the land.

Shri D Gogoi, learned Standing Counsel, Forest Department, Assam, has, however raised a preliminary objection on the ground of maintainability of the writ petition by submitting that the petitioner no. 1 is not a registered Society. He has also submitted that the area being a forest land, no encroachment can be permitted under any circumstances.

Shri R Borpujari, learned Standing Counsel, Revenue Department, Assam has endorsed the submission of the learned Standing Counsel, Forest Department.

Issue notice.

Shri Borpujari, learned Standing Counsel, Revenue accepts notice on behalf of the respondent no. 1; Shri H Sharma, learned Addl. Sr. Government Advocate, Assam accepts notice on behalf of the respondent nos. 2 and 3 whereas Shri Gogoi, learned Standing Counsel, Forest accepts notice on behalf of the respondent nos. 4, 5 and 6.

Extra copies of the petition be served upon the learned counsel for the respondents within 2 working days.

Pendency of this petition shall not be a bar for the respondents for a demarcation exercise to be conducted by both the authorities of the Revenue and Forest Departments in presence of the petitioners or their representatives. It is further provided that till such demarcation is done, *status quo*, as on today, shall be maintained.

The notice is made returnable on 22.09.2025.

JUDGE

Comparing Assistant