

GAHC010216042025



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

Case No. : WP(C)/5649/2025

HARESH ALI
S/O LT. AHMMAD ALI, RESIDENT OF PUB CHANDMARI, WARD NO 4, P.O-
KHELMATI, P.S- NORTH LAKHIMPUR, DISTRICT- LAKHIMPUR, ASSAM,
PIN- 787001

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY- 06

2:THE SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY- 06

3:THE DISTRICT COMMISSIONER
LAKHIMPUR
ASSAM
PIN- 787001

4:THE CIRCLE OFFICER
NORTH LAKHIMPUR REVENUE CIRCLE
DISTRICT- LAKHIMPUR
ASSAM
PIN- 78700

Advocate for the Petitioner : MR. M U MONDAL, S S AHMED,A A AHMED,MR A ALIM
SK,MR K ISLAM

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

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

22-09-2025

Heard Shri M. U. Mondal, learned counsel for the petitioner. Also heard Shri R. Borpujari, learned Standing Counsel, Revenue Department and Shri S. S. Roy, learned State Counsel.

Considering the challenge made and the facts and circumstances involved, the present writ petition is taken up for disposal at the motion stage.

As per the facts projected, the petitioners had purchased the possessory right of a plot of land measuring 1 Katha in the year 1999 covered by No. 2 Ekchonia patta, Dag No. 984, Mouza-Lakhimpur under North Lakhimpur Revenue Circle. The said aspect has also been recognized in a certificate issued by the Circle Officer on 20.08.2014 where there is a clear reflection of the Dag No. of the land as 984. The grievance of the petitioner is against an order dated 01.09.2025 issued by the Circle Officer directing the petitioner to vacate from the land in the Schedule which has been described to be covered by Dag Nos. 705 and 986.

Shri Mondal, the learned counsel for the petitioner has submitted that the said notice is bad in law as the same has not been issued in strict compliance of Rule 18 (2) of the Rules under the Assam Land and Revenue Regulation, 1886. He has submitted that the Circle Office is not vested with jurisdiction to issue such notice. He further submits that the petitioner is possessing land under Dag No. 984 and the notice issued to him mentions another dag and he apprehends

that without there being a clear process of demarcation, the petitioner would be unnecessarily harassed. The counsel has however clarified that both in the synopsis and in the paragraph 2 of the pleadings, the Dag number has been wrongly written as 986 which should be 984.

Shri Borpujari, the learned Standing Counsel, Revenue Department has submitted that the first contention that the Circle Officer does not have the jurisdiction is unsustainable in law and the said aspect was explained by this Court in the judgment dated 26.09.2019 passed in a batch of writ petition the lead case being WP(C)/6158/2019 (***Taher Ali Vs State of Assam***). He has also submitted that there is nothing on record to show that the petitioner had submitted representation in spite of the fact that the impugned notice dated 01.09.2025 had given the petitioner an opportunity to file his response, if any.

As regards the arguments advanced on the aspect of jurisdiction of the Circle Officer, this Court has noted that the aforesaid aspect has already been clarified in the judgment dated 26.09.2019 in the Case of ***Taher Ali*** (supra). Moreover, under Rule 18, though the power of ejectment has been conferred on the Deputy Commissioner, it may not be construed that such notice cannot be issued by the Circle Officer, who is an Officer under the Office of the Deputy Commissioner (presently District Commissioner).

This Court has also noticed that the principal ground of challenge is that the petitioner claims to be occupying land under Dag No. 984 whereas the notice has mentioned the Dag Numbers as 705 and 986. The apprehension of the petitioner is that in the guise of the notice, his possession over Dag No. 984 would also be disturbed.

Shri Borpujari, the learned Standing Counsel has however submitted that the eviction exercise would be confined only to the land under the Dag nos. mentioned in the said notice.

Shri S. S. Roy, the learned State Counsel has endorsed the submissions of Shri Borpujari, learned Standing Counsel.

Considering the above, this Court is of the opinion that while the authorities would not be under any restriction to go ahead with the process initiated vide the notice dated 01.09.2025 under Rule 18 (2) of the Rules, the same has to be confined only to the land mentioned in the Schedule to the said notice. It is also made clear that if the petitioner is found to be encroaching upon any land of the Dag numbers mentioned in the notice, appropriate action in accordance with law may be taken.

Writ petition stands disposed of.

JUDGE

Comparing Assistant