

GAHC010077342019



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

Case No. : PIL/22/2019

THE NORTH EAST HERITAGE FOUNDATION AND ANR.
H.O. WARD NO.8, KOKRAJHAR TOWN, P.O. KOKRAJHAR, P.S. AND DIST-
KOKRAJHAR, ASSAM- 783370, REP. BY ITS DIRECTOR, SHRI RAJKUMAR
PRITHVIRAJ NARAYAN DEV MECH, AGED ABOUT 21 YEARS, S/O- PRADIP
NARAYAN DEV MECH, PERMANENT R/O- GOGLAPARA, BASUGAON
WARD NO. 1, P.O. AND P.S. BASUGAON, DIST- CHIRANG, BTAD, ASSAM-
783372

2: THULUNGA BASUMATARY
S/O- DASARAT BASUMATARY
EXECUTIVE DIRECTOR
NORTH EAST HERITAGE FOUNDATION
PERMANENT R/O- CHANDRAPUR
P.O. HALTUGAON
P.S. AND DIST- KOKRAJHAR
ASSAM- 78337

VERSUS

THE UNION OF INDIA AND 10 ORS.
TO BE REP. BY THE SECY., MINISTRY OF HOME AFFAIRS, INDIA, NORTH
BLOCK, NEW DELHI- 110001

2: THE CHIEF ELECTION COMMISSIONER
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

3: THE STATE OF ASSAM
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPTT.
DISPUR
GHY-6

4:THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GHY-6

5:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-6

6:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REP. BY THE PRINCIPAL SECY.
BTC
KOKRAJHAR
ASSAM- 783370

7:THE SECRETARY
LAND REVENUE AND DISASTER MANAGEMENT
BTC
KOKRAJHAR
ASSAM- 783370

8:THE DY. COMMISSIONER
KOKRAJHAR
P.O. KOKRAJHAR
ASSAM- 783370

9:THE DY. COMMISSIONER
CHIRANG
P.O. KAJALGAON
ASAM- 783385

10:THE DY. COMMISSIONER
BAKSA
P.O. MUSHALPUR
ASSAM- 781377

11:THE DY. COMMISSIONER
UDALGURI
P.O. UDALGURI
ASSAM- 78450

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : PIL/78/2012

PRODYUT KUMAR BORA
S/O SRI LAKSHMIKANTA BORA R/O TILIKIAM
BEZGAON P.S. PULIBOR
DIST. JORHAT
ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. HEREIN BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

SACHIVALAYA
DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAINS TRIBES AND BACKWARD CLASS DEPT.
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER

KAMRUP METRO.
5:THE DEPUTY COMMISSIONER
KAMRUP
NORTH GUWAHATI.
6:THE DEPUTY COMMISSIONER

DHEMAJI
DIST. DHEMAJI.
7:THE DEPUTY COMMISSIONER

TINSUKIA
DIST. TINSUKIA.
8:THE DEPUTY COMMISSIONER

GOALPARA

DIST. GOALPARA.
9:THE DEPUTY COMMISSIONER

MORIGAON
DIST. MORIGAON.
10:MARKUSH BASUMATARY
S/O- LT. RAJENDRA BASUMATARY
R/O VILL.- SOUTH GANDABIL
V.C.D.C. AMGURI
P.S.- AMGURI
DIST.- CHIRANG
BTAD
ASSAM.

11:THE B.T.C.
REP. BY THE PRINCIPAL SECY.
B.T.C.

KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM.

12:THE PRINCIPAL SECY.
B.T.C.

KOKRAJHAR
ASSAM.

13:NOOR MAHAMMAD
SON OF LATE ABDUL KARIM
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

14:MUSLEM UDDIN
SON OF LATE JUBED ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

15:MAHAMMAD ALI
SON OF LATE SADAR ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

16:JAHED ALI
SON OF LATE MAJAM ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI

P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

17:NAZRUL ISLAM
SON OF LATE OCHAM ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

18:ANSARUL ISLAM
SON OF LATE IZZAT ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

19:NUR UDDIN

SON OF LATE IZZAT ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

20:RAMJAN ALI
SON OF LATE JANAB ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

21:MD. KHAJAL UDDIN
SON OF LATE JAHUR ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

22:JABED ALI
SON OF LATE MANNAS ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

23:ABDUL ZALIL CHOUDHURY
SON OF LATE FAIZUDDIN AHMED

RESIDENT OF VILLAGE AND P.O. CHATIENTALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

24:FAKAR UDDIN
SON OF LATE ABDUL HALIM
RESIDENT OF VILLAGE AND P.O. CHATIENTALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

25:SAFIR UDDIN
SON OF LATE ABDUL JABBAR
RESIDENT OF VILLAGE AND P.O. CHATIENTALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

26:RUHUL AMIN
SON OF LATE SAFIR UDDIN
RESIDENT OF VILLAGE AND P.O. CHATIENTALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

27:AKTAR HUSSAIN
SON OF HASMOT ALI
RESIDENT OF VILLAGE AND P.O. CHATIENTALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

28:SRI JOHN DAS
S/O SRI NAKUL CHANDRA DAS
VILL.- UZIRBARI
P.O.-THAMNA
PIN-781377
DISTRICT - BAKSA (BTAD)
ASSAM.

29:SRI MADHAB RAJBONSHI
SON OF SRI ANORAM RAJBONSHI
VILLAGE AND P.O.- MERKUCHI
P.S.- BARAMA
DISTRICT- BAKSA
ASSAM
PIN-781346.

Advocate for : P K GOSWAMI
Advocate for : MR.U S BORA appearing for THE STATE OF ASSAM AND 8 ORS

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

08.03.2021

(Sudhanshu Dhulia, C.J.)

Heard Mr. NH Barbhuiya, learned counsel for the petitioner in PIL 22/2019 and Mr. S Borthakur, learned counsel for the petitioner in PIL 78/2012. Also heard Mr. D Saikia, learned senior Standing Counsel, Govt. of Assam assisted by Ms. N Bordoloi, learned Standing Counsel, Revenue, Mr. JMA Choudhury and Mr. M Sarania, learned counsel appearing for the respondents.

It appears that pursuant to the order of this Court dated 09.12.2019, some of the parties being ostensibly aggrieved by their ouster from the land in question, have approached the Hon'ble Apex Court where some relief has been granted by the Hon'ble Apex Court in the form that due process be adopted by the Revenue authorities. We presently adjourn the matter for four (4) weeks to be listed in the week commencing **26.04.2021** for final disposal.

JUDGE

CHIEF JUSTICE

Comparing Assistant