

GAHC010220222012



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

Case No. : PIL/78/2012

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

VERSUS

1: 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

Linked Case : PIL/22/2019

1: 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- GOG LAPARA 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- 783370

VERSUS

1: 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- 784509

For the Petitioners : Mr. S. Borthakur, Advocate.
Ms. P. Borah, Advocate in PIL No.78/2012.

For the Respondents : Ms. R.B. Bora, Standing Counsel, BTC.
: Ms. N. Bordoloi, Standing Counsel, Revenue Department.
: Mr. J.M.A. Choudhury, Advocate for respondent Nos.13 to 25 & 27.
: Mr. S. Das, Advocate for respondent No.10.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

25.05.2023

Ms. R.B. Bora, learned standing counsel, BTC has filed an affidavit of the Principal Secretary, BTC, Kokrajhar, which indicates that the authority launched an eviction drive and has got 300 Bighas of land freed from encroachment.

However, Mr. S. Borthakur, learned counsel for the petitioner in PIL No.78/2012 submits that the affidavit is silent regarding the steps taken to remove the encroachments in Baksa, Chirang and Udalguri districts.

Ms. Bora submits that some more time may be allowed so that the authorities can take appropriate steps for removing the encroachments on tribal belt lands in these districts also.

One further opportunity is being granted with the direction that the authorities concerned shall ensure that the lands of tribal belts, which have been encroached upon, shall be freed from all encumbrances and encroachments.

List on **23.06.2023**.

The file of WP(C) No.4901/2021 shall also be listed along with these two PIL petitions.

JUDGE

CHIEF JUSTICE

Comparing Assistant