

GAHC010220222012



2020:GAU-AS:12820-DB

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

For the Petitioner(s) : Mr. S. Borthakur, Advocate.
: Mr. D. Gogoi, Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue Department.
: Mr. A. Khound, Advocate for respondent Nos.11 & 12.
: Mr. J.M.A. Choudhury, Advocate for respondent Nos.14 to
27.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

19.01.2026

(Ashutosh Kumar, CJ)

We have heard Mr. S. Borthakur, learned Advocate for the

petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department and Mr. J.M.A. Choudhury, learned Advocate for the private respondents.

Aggrieved by the encroachments made by the outsiders in the tribal belts and blocks in the State of Assam, which were created in the year 1948 by the Government of Assam, the present Public Interest Litigation (PIL) petition was filed.

A Bench of this Court, vide order dated 09.12.2019 recorded that a Committee was constituted by the Government of Assam under the Chairmanship of Shri H.S. Brahma, IAS (retired) for suggesting measures for the protection of land rights of indigenous people of Assam.

The Committee submitted its report, pursuant to which necessary changes in the Revenue Laws were made and notified.

The provisions contained in Chapter X of Assam Land and Revenue Regulation, 1886 (in short, 'Regulation of 1886'), the State contends, are being implemented in full force.

Some of the non-tribals, who are residents of the area were also granted protection pursuant to the orders of the Supreme Court. Some of them have been impleaded in this PIL petition.

The responsibility has been entrusted upon some of the Deputy Commissioners to ensure full implementation of Chapter X of the Regulation of 1886.

By and large there are no identifiable land alienations because of the proactive steps taken by the Government.

Thus, we do not find it to be necessitous to continue with this PIL petition any further. However, if any breach in that commitment of the State is noticed, it would be open for any interested/public spirited person including the petitioner to file a 2(two) pages affidavit, which would revive this petition.

We hope and trust that the identified encroachers would be removed after observing the due process of law in terms of the Supreme Court judgment.

This PIL petition stands closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant