

GAHC010228872019



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

Case No. : WP(C)/7062/2019

BASER ALI
S/O LT. SABAR ALI, R/O VILL. KATHONIBARI, P.O. AND P.S. THELAMARA,
DIST. SONITPUR, ASSAM, PIN-784149

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECRETARY GOVT. OF ASSAM, DISPUR, GUWHATI-6

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT. DISPUR
GUWAHATI-781006
ASSAM

3:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR
PIN-784001

4:THE CIRCLE OFFICER
THELAMARA REVENUE CIRCLE
DIST. SONITPUR
ASSAM
PIN-784149

5:LAKSHYA JYOTI DAS
CIRCLE OFFICER
THELEMARA REVENUE CIRCLE
DIST. SONITPUR
ASSAM
PIN-784149

6:KESHAB KOCH
S/O LT. MANGAL KOCH
R/O VILL. KATHONIBARI
P.O. AND PS THELAMARA
DIST. SONITPUR
ASSAM PIN-78414

Advocate for the Petitioner : MR. R P SARMAH, MR B KOTAKY,MS S P CHETRY,MR. P N SHARMA

Advocate for the Respondent : GA, ASSAM, SC. REVENUE,MS. R B BORA

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 20.08.2025

Heard Mr. R. P. Sarmah, learned counsel for the petitioner. Also heard Mr. N. Das, learned Government Advocate, appearing for the respondents.

Mr. R. P. Sarmah, learned counsel for the petitioners, by highlighting the land occupied by the petitioners belonging to the respondent no.6, is covered by Myadi Patta, has submitted that the respondent no.6, having permitted the petitioners to occupy the land in question and they have been in occupation for around 60 years, the respondent no.6 is to be restrained from forceful encroachment and eviction of the petitioners herein, from the said land. The land is contended to be covered by Dag No.155 and Periodic Patta No.3.

Per contra Mr. N. Das, learned Government Advocate by referring to the affidavit filed in the matter by the Deputy Commissioner, Sonitpur, submits that the land is not periodic Patta but is a Annual Patta land allotted to the respondent no.6. He submits that in the event, there is a transfer of the land occasioning the same, annual Patta, is liable to be cancelled.

Mr. N. Das, learned Government Advocate, has further submitted that the whereabouts of the respondent no.6 could not be ascertained as he had left the village long back, the same was supported by the reports of the Gaon Burah, and the Lat Mondal.

It is seen that no affidavits in reply has been filed by the petitioner. Posed with the above situation, Mr. R. P. Sarmah, learned counsel for the petitioner, submits that the matter be taken up on 09.09.2025, by which time he shall receive his instructions in the matter from his instructing counsel.

Registry to list this matter again on **09.09.2025**.

JUDGE

Comparing Assistant