

GAHC010239552024



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

Case No. : WP(C)/6072/2024

SOLEMAN ALI AND 4 ORS.
S/O- LATE NUR HUSSAIN, R/O- VILL.- KHANDIKAR, MOUZA- KAURBAHA,
DIST. TAMULPUR, ASSAM

2: RAFIQUDDIN AHMED
S/O- LATE NUR HUSSAIN
R/O- VILL.- KHANDIKAR
MOUZA- KAURBAHA
DIST. TAMULPUR
ASSAM

3: KHAIRUL HUSSAIN
S/O- LATE NUR HUSSAIN
R/O- VILL.- KHANDIKAR
MOUZA- KAURBAHA
DIST. TAMULPUR
ASSAM

4: MAHSIN ALI
S/O- LATE NUR HUSSAIN
R/O- VILL.- KHANDIKAR
MOUZA- KAURBAHA
DIST. TAMULPUR
ASSAM

5: ABDUL HAMID
S/O- LATE NUR HUSSAIN
R/O- VILL.- KHANDIKAR
MOUZA- KAURBAHA
DIST. TAMULPUR
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE EXECUTIVE ENGINEER
BTR
PWD (ROAD)
TAMULPUR
P.O. AND DIST. TAMULPUR
ASSAM

3:THE DISTRICT COMMISSIONER
TAMULPUR
P.O. AND DIST. TAMULPUR
ASSAM

4:THE CIRCLE OFFICER
GORESWAR REVENUE CIRCLE
P.O. GORESWAR
DIST. TAMULPUR
ASSAM

5:NUR UDDIN
S/O- LATE NIRPATIA SK
R/O- VILL.- KHANDIKAR
MOUZA- KAURBAHA
DIST. TAMULPUR
ASSAM
PIN- 781354

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, MR. N HAQUE,MR. N G
KUNDU,MR. A K AZAD

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 20.01.2025

Heard Mr. A.K. Azad, learned counsel for the petitioners; Ms. P.R. Mahanta,
learned Standing Counsel, Revenue Department for the respondent no. 1; Ms.

S. Boro, learned counsel representing Ms. R.B. Bora, learned Standing Counsel, BTC for the respondent nos. 2 & 4; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent no. 3.

2. The petitioners, 5 [five] in nos., have stated that they were sons of Late Nur Hussain. It is projected that a piece of land, covered by Dag no. 1157 and Patta no. 184, has been acquired by the State respondents under the Assam Mala Scheme. The said piece of land situates at Village – Khandikar, Mouza – Kaurbaha under Goreswar Revenue Circle, District – Tamulpur. It is stated that after the demise of their father, Nur Hussain, the said piece of land stood mutated in favour of the petitioners. The demised father, Nur Hussain and his brother, Nur Uddin Ali [the respondent no. 5] were joint owner of the said piece of land. However, the State respondents have assessed the compensation amount for the acquired land only in favour of Nur Uddin Ali [the respondent on. 5] without including the names of the petitioners. It is further submitted that the said piece of land along with other lands, jointly owned by Nur Hussain and Nur Uddin Ali, has not yet been partitioned.

3. Issue notice, returnable in 4 [four] weeks.

4. As Ms. Mahanta, learned Standing Counsel, Revenue Department has appeared and accepted notice on behalf of the respondent no. 1; Ms. Boro, learned counsel has appeared and accepted notice on behalf of the respondent nos. 2 & 4; and Ms. Barman, learned Junior Government Advocate has appeared and accepted notice on behalf of the respondent no. 3, no formal notices need to be issued to the said respondents. Mr. Azad, learned counsel for the petitioners shall furnish requisite nos. of extra copies of the writ petition along with the annexures to Ms. Mahanta, Ms. Boro and Ms. Barman within 2 [two]

working days from today.

5. The petitioner shall take step for service of notice upon the respondent no. 5 by registered post with A/D within 2 [two] working days from today.

6. The interim order passed earlier on 20.11.2024 shall continue till the returnable date.

JUDGE

Comparing Assistant