

GAHC010271722025



2026:GAU-AS:2891

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

Case No. : CRP/179/2025

ALFAR UDDIN AND 4 ORS.

SON OF LATE ABDUL WAHID @ ABDUL WAJID, R/O VILL- PABIJURI, P.O.-
BURUNGATALI BAZAR, P.S.-MURAJHAR, DIST- HOJAI, ASSAM, PIN-782445

2: NAZIM UDDIN

SON OF LATE ABDUL WAHID @ ABDUL WAJID
R/O VILL- PABIJURI
P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-782445

3: RIYAZ UDDIN

SON OF LATE ABDUL WAHID @ ABDUL WAJID
R/O VILL- PABIJURI
P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-782445

4: REHAN UDDIN

SON OF LATE ABDUL WAHID @ ABDUL WAJID
R/O VILL- PABIJURI
P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-782445

5: MUSSTT. SITARUN NESSA

WIFE OF LATE ABDUL WAHID @ ABDUL WAJID
R/O VILL- PABIJURI

P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-78244

VERSUS

KABIR UDDIN TALUKDAR @ KABIR UDDIN AND 2 ORS.
SON OF LATE ABDUS SUBHAN, R/O VILL- PABIJURI, P.O.- BURUNGATALI
BAZAR, P.S.-MURAJHAR, DIST- HOJAI, ASSAM, PIN-782445

2:HASIB UDDIN
S/O LATE ABDUL SATTAR
R/O VILL- PABIJURI
P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-782445

3:SALMAN UDDIN
S/O LATE ABDUL RAB
R/O VILL- PABIJURI
P.O.- BURUNGATALI BAZAR
P.S.-MURAJHAR
DIST- HOJAI
ASSAM
PIN-78244

Advocate for the Petitioner : MR B PAUL,

Advocate for the Respondent : MR. M I HUSSAIN, N. UDDIN

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

25.02.2026

Heard Mr. D.P. Borah, learned counsel for the petitioners and also heard Mr. M.I. Hussain, learned counsel for the respondents.

2. In this petition, under Article 227 of the Constitution of India, the petitioners have challenged the order dated 30.10.2025, passed by the learned Additional District & Sessions Judge (FTC), Hojai at Sankardev Nagar, in Case No.Special (Land Grabbing) 05(H) of 2024. It is to be noted here that vide impugned order dated 30.10.2025, the learned Tribunal has dismissed the case of the petitioners.

3. Mr. Borah, learned counsel for the petitioners submits that the petitioners have lodged a complaint under Section 8 of the Assam Land Grabbing (Prohibition) Act, 2010 before the Court of learned Additional District & Sessions Judge (FTC), Hojai and on receipt of the application under Section 8, the learned Tribunal has called for a report from the Circle Officer, Doboka, with reference to the revenue record and facts on the following grounds:-

- (I) The correctness of the statements made in the application.
- (ii) The fact relating to the ownership, actual possession and use of the land concerned.
- (iii) Such other particulars and information as may be useful for this Tribunal to arrive at the correct decision.

And thereafter, fixed the matter on 22.10.2024. Accordingly, the Circle Officer, Doboka Revenue Circle has submitted his report on 21.10.2024. Thereafter, the Tribunal vide order dated 28.10.2024 has called for a report from the Officer-in-Charge, Murajhar Police Station and fixed the matter on 25.11.2024 and accordingly, the report has been received from the Officer-in-Charge, Murajhar P.S., Hojai, on 28.11.2024 and thereafter, fixed the case on 06.12.2024 for hearing. Thereafter, the respondents herein entered appearance and filed written statement on 05.04.2025. Then, the learned Tribunal has fixed the matter on 24.09.2025 and thereafter, on 30.10.2025 and on that day, after hearing both the parties, the learned Tribunal has dismissed the case of the petitioners only on the ground that the petition has been filed only for 4 katha and 10 lecha land in Kapahbari Mouza, which is a village land and the quantum of land is very less and thereafter, the learned Tribunal has observed that this dispute is not connected to

organized attempts of land grabbing which is dealt by Assam Land Grabbing Act, 2010 and thereafter, discussing the preamble of the Act and also considering the observation made by a Division Bench of this Court in **Re: XXX v State of Assam**, reported in **(2018) 2 GLR 313**, where it has been specifically laid down that the value of the land as well as the location of the land is also significant and thereafter, considering the position of law and fact, the learned Tribunal held that it is not a fit case to take cognizance under Land Grabbing Act and thereafter, dismissed the same.

3.1 Mr. Borah further submits that nowhere in the Act or the Rules minimum quantum of land prescribed for taking cognizance of the offence and the value of the land and the location, though required to be taken into account the same not the criteria for taking cognizance and in that view of the matter, the impugned order suffers from material irregularity and under such circumstances, it is contended to allow this petition by setting aside the impugned order and to remand the matter to the learned Tribunal for a fresh consideration.

4. On the other hand, Mr. Hussain, learned counsel for the respondents has supported the impugned order dated 30.10.2025. He submits that the land was in possession of the respondents and they inherited the same from their forefather and their names are also mutated in the revenue record, and that the quantum of land is very less and also the same is located in village and in view of sub-section (3) of Section 8, these facts are required to be taken note of and the learned Tribunal had rightly dismissed the case taking note of the same. Further, Mr. Hussain submits that in respect of the said land, the respondents herein have already instituted one title suit, being Title Suit No.10/2026, which is pending for adjudication before the Court of learned Civil Judge (Jr. Division), Sankardev Nagar, Hojai and as such, two parallel proceedings cannot be allowed to run and in that view of the matter, the impugned order suffers from no infirmity requiring any interference of this Court and therefore, Mr. Hussain contended to dismiss the petition.

5. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused

the impugned order dated 30.10.2025, and also gone through the relevant provision of law.

6. Section 8 of the Assam Land Grabbing (Prohibition) Act 2010 dealt with Special Tribunals and their powers and functions.

Sub-Section (1) provides that “Every Special Tribunal shall have power to try all cases arising out of any alleged act of land grabbing, or with respect to the ownership and title to, or lawful possession of the land grabbed whether before or after the commencement of this Act.”

Sub-Section 2 provides that “The Special Tribunal may, either suo-moto, or on application made by any aggrieved person or any officer or authority, take cognizance of and try every case arising out of any alleged act of land grabbing, or with respect to the ownership and title to or lawful possession of, the land grabbed, whether before or after the commencement of this Act and pass such 'orders (including orders by way of interim directions) as it deems fit.”

And Sub-Section 3 provides that “The Special Tribunal, for the purpose of taking cognizance of the case, consider the location, or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved in the interest of justice required and any other relevant matter involved in the case:”

: Provided that the Special Tribunal shall not take cognizance of any such case without hearing the petitioner or the aggrieved person, as the case may be.

7. Thus, a bare perusal of the Sub-Section 3 to Section 8 indicates that for the

purpose of taking cognizance of the case, the Special Tribunal has to consider the location, or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved in the interest of justice required and any other relevant matter involved in the case. But, nowhere in the Act is the minimum extent of land or value thereof has been prescribed for taking cognizance. The Special Tribunal, as per Sub-Section 3 has to consider the location and the nature of the evil involved or any other relevant matter. But, nowhere is it provided that if a land is situated in a remote village cognizance cannot be taken.

7.1 Under proviso to Sub-Section 4 of the Act on the other hand provides that if in the opinion of the Special Tribunal, any application filed before it is *prim a facie* frivolous or vexatious, it shall reject such application without any further enquiry.

8. In the case in hand it appears that the learned Tribunal has dismissed the suit of the petitioners only on the ground that the quantum of land is very less and as such, this is not a dispute connected to organized attempts of land grabbing, which is dealt with by the Assam Land Grabbing Act. Further, it appears that the learned Tribunal has also taken note of the observation made by this Court in **Re: XXX v State of Assam**, reported in **(2018) 2 GLR 313**, in respect of the value of the land and the location of the land. But, as stated herein above and also indisputably, nowhere in the Act or in the Rules framed there under, the minimum quantum of land has been prescribed for taking cognizance and Section 8 does not indicate the same. Further, as it has been observed in the decision of **Re: XXX vs. State of Assam**, reported in **(2018) 2 GLR 313**, the value and location of the land has also to be taken note of yet those were not the sole criteria for taking cognizance.

9. It is worth mentioning in this context that the object of the Act being to arrest and curb immediately unlawful activities of land grabbing the act of criminality has to be considered over the quantum of the land. Furthermore, the quantum of land involved in this case is of about 4 katha and 10 lecha situated in Kapahbari Mouza. This quantum cannot be said to be very less, as observed by the learned Tribunal. Since the Act the Assam Land

Grabbing (Prohibition) Act, 2010 does not specify a minimum quantity of land for applicability, nor does it bar cognizance if the land falls short of any threshold and since the Act also does not provide that cognizance cannot be taken in respect of village land, this Court is of the view that the reason assigned by the learned Tribunal for dismissing the petition filed by the petitioners under Section 8 of the Assam Land Grabbing Act is illegal and arbitrary. And in that view of the matter, the same warrant interference of this Court.

10. And accordingly, the impugned order dated 30.10.2025, stands set aside and quashed. The matter stands remanded to the learned Tribunal to hear to both the parties a fresh and thereafter, to pass a reasoned order.

11. Both the parties are directed to appear before the learned Tribunal on or before 20.03.2026.

12. Registry shall return the record of the learned Tribunal forthwith.

JUDGE

Comparing Assistant