

Page No.# 1/17 vs The State Of Assam And 5 Ors on 26 July, 2024

Author: Devashis Baruah

Bench: Devashis Baruah

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GAHC010147392024

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

Case No. : WP(C)/3718/2024

JAYPRAKASH BARMON AND 73 ORS.
S/O LT. KAPIL DEV CHAUDHURY
VILL - KHERONIKACHARI GAON
P.O AND P.S -KHERONI
DIST.-WEST KARBI ANGLONG.
PIN- 782448 , ASSAM

2: MOHAN SUBBA
S/O- LT. DHAN BAHADUR SUBBA
VILL - KHERONI NEPALI BOSTI
P.O. AND P.S -KHERONI
DIST.-WEST KARBI ANGLONG.
ASSAM
PIN-782448

3: SANJOY PANDEY
S/O- LT. RAMASANKAR PANDEY
VILL - KHERONI GHAT
P.O. AND P.S -KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782448

4: BRIJESH CHOUHAN
S/O LT. HARINARAYAN CHAUHAN
VILL - KHERONI GHAT
P.O. AND P.S -KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782448

5: DILIP CHAUHAN
S/O LT. KAPIL DEV CHAUDHURY
VILL - KHERONI PURANA BASTI

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P.O. AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782448

6: RAMESHWAR CHAUHAN
S/O- LT. RAMCHAURAN CHAUHAN
VILL - RANAIMA
P.O. AND P.S - FOREST BAZAR
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782448.

7: KRISHNA MOHAN PANDEY
S/O- LT. RAMASANKAR PANDEY
VILL - KHERONI GHAT
P.O. AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

8: RAJARAM CHAUHAN
S/O- LT. UDAN CHAUHAN
VILL - KHERONI PURANA BASTI
P.O. AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

9: SARAWAN KUMAR GOUND
S/O LT. JANGILAL GOUND
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

10: SATYENDRA KUMAR
S/O LT. RAMASHANKAR PANDEY
VILL - KHERONIGHAT
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

11: SITARAM CHAUHAN
S/O SRI JANAKI CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG ASSAM
PIN- 782448

12: SMTI. NILONG CHAUHAN
W/O RAKESH KR. CHAUHAN
VILL - DIKHRENG
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

13: PHUL KESHAR DEVI
W/O-GAURI SANKAR CHOUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

14: SHIV SHANKAR CHAUHAN
S/O-LT. DUDHNATH CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

15: GANESH CHETRY
S/O - DAL BAHADUR CHETRI
VILL - KHERONI NEPALI BOSTI
P.O AND P.S KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN-782448

16: GANGA DHARI CHAUHAN
S/O LT. PRASURAM CHAUHAN
VILL - NAWGHARAWA
P.O AND P.S - KHERONI

DIST. WEST KARBI ANGLONG

ASSAM

PIN - 782448

17: JANAKI PRASAD GUPTA
S/O- LT. AYODHYA GUPTA
VILL - KHERONIKACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

18: GIRIJA DEVI
W/O LT. RAMASHISH CHAUHAN
VILL - PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN- 782448

19: RAJ KUMAR RAM
S/O- AMARNATH RAM
VILL - NAWGHARAWA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

20: GHANSHYAM CHAUHAN
S/O-LT. BISWANATH CHAUHAN
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

21: MARKANDEY CHAUHAN
S/O- LT. BISWANATH CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

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PIN -782448

22: BALIRAM CHAUHAN
S/O LT. MOTI CHAUHAN
VILL - KHERONI PURANA BASTI

P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

23: TULEN DEKA
S/O LT. GIRISH DEKA
VILL - KHERONIKACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

24: BIDYA SAGAR CHAUHAN
S/O LT. BHAGAWAN CHAUHAN
VILL - BAGISADUBI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

25: SMT. AIMONI BORAH
S/O - NARESH BAISYA
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

26: PARMATMA CHAUHAN
S/O SRI NITHALI CHAUHAN
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

27: SIYARAM CHAUDHURY

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S/O- LT. KAPIL DEO CHAUDHURY
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN - 782448

28: JITENDRA CHAUDHURY

S/O- JOYRAM CHAUDHURY
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

29: VIJAY KUMAR VERMA
S/O -SHIJI VERMA
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN - 782448

30: LALATI DEVI
S/O-SRI BALKARAN CHAUHAN
VILL - RANAIMA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

31: BIDYAWATI DEVI
S/O - BALESWAR CHAUHAN
VILL - RANAIMA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG

ASSAM

PIN - 782448

32: PHULKUMARI CHAUHAN
S/O -RUPCHAN CHAUHAN
VILL - RANAIMA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG

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ASSAM

PIN - 782448

33: RAMKEWAL CHAUHAN
S/O- SRI LACHIRAM CHAUHAN
VILL-BAGISADUBI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

34: PHUNNU CHAUHAN
S/O LT. AMRIT CHAUHAN
VILL - BAGISADUBI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

35: RAJNATH CHAUHAN
S/O- LT. RAMSAKAL CHAUHAN
VILL - BAGISADUBI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448 .

36: BIDYAWATI KUMARI
S/O RAMESH KUMAR CHAUHAN
VILL - RANAIMA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

37: CHANDRAJIT CHAUHAN
S/O- DILIP CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

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38: KUBER CHAUHAN
S/O LT. BALCHAN CHAUHAN
VILL - KHERONICARALI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN - 782448

39: RAJESH SAHU
S/O LT. ANANDILAL SAHU
VILL - KHERONI CHARALI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG

ASSAM
PIN- 782448

40: ASHOK KUMAR CHAUHAN
S/O LT. BALCHAN CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

41: BIJAY CHAUHAN
S/O LT. SHIVMUNI CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

42: SUGANTI DEVI
S/O LT. YADUNATH PRASAD
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

43: VIRENDRA KUMAR CHAUHAN
S/O LT. RAMNARESH CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI

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DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

44: BHIM CHAUHAN
S/O- LT. MURGANI DEVI
VILL - BAGISADUBI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

45: GOUTAM CHAUHAN
S/O- LT. AMAR CHAUHAN
VILL - KHERONIKACHARI BASTI

P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

46: SMTI. ARATI DEVI
S/O LT. RADHESYAM RAM
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

47: RAJNARAYAN CHAUHAN
S/O- LT. DULARCHAN CHAUHAN
VILL - JAMPATHAR
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

48: GANGA SAGAR RABIDAS
S/O- LT. DWARIKA RABIDAS
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

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PIN -782448

49: RAMASANKAR CHAUHAN
S/O LT. BABULAL CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

50: BIRENDRA YADAV
S/O- LORIK CHAUDHURY
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

51: SHIV KUMAR PANDEY

S/O- LT. RAMNAGINA PANDEY
VILL - KHERONI GHAT
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

52: SMTI. MINA SHARMA
S/O KRISHNA SHARMA
VILL - KHERONI PURANA BASTI

P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN -782448

53: PREMSAGAR CHAUHAN
S/O-LT. SHIWNATH CHAUHAN
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST- WEST KARBI ANGLONG
ASSAM
PIN -782448

54: KAMAL GIRI
S/O-LT. BALBHADRA GIRI

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VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST.-WEST KARBI ANGLONG
ASSAM
PIN - 782448

55: SANKAR PURI
S/O- LT. NARAYAN PURI
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

56: SHIV NATH PATHAK
S/O-RAMASHIS PATHAK
VILL - KHERONIKACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

57: INDRA BAHADUR TAMANG
S/O- BHIM BAHADUR TAMANG
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

58: TEK BAHADUR CHETRY
S/O-LT. BAL BAHADUR CHETRY
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

59: TIL BAHADUR MAGAR
S/O-DHAN BAHADUR MAGAR
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

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PIN -782448

60: SURYA BAHADUR CHETRY
S/O LT. BAL BAHADUR CHETRY
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

61: RAJU UPADYA
S/O-GYANESWAR UPADHYA
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

62: PREM BAHADUR CHETRY
S/O - KABIRAJ CHETRY
VILL - KHERONI NEPALI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN - 782448

63: SARASWATI BARMON
S/O- RAJESH BARMON
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

64: RANJIT KUMAR YADAV
S/O- UDAYRAJ SINGH YADAV
VILL - KHERONI PURANA BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

65: MAHESH CHAUHAN

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S/O-LT. BIRJU CHAUHAN
VILL - NAWGHARAWA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

66: CHAMPA DEVI
S/O SRI GANGA DHARI CHAUHAN
VILL - NAWGHARAWA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

67: SANTOSH SINGH CHAUHAN
S/O LT. RAMSWARUP SINGH CHOUHAN
VILL - RANAIMA. P.O- FOREST BAZAR
P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN - 782448

68: DINESH KUMAR ROY
S/O LT. SURENDRA NATH ROY
VILL - NAWGHARAWA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG

ASSAM

PIN -782448

69: GANPAT CHAUHAN
S/O LT. SITARAM CHAUHAN
VILL - RANAIMA
P.O. FOREST BAZAR
P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM
PIN -782448

70: MACHULAL RAY
S/O- LT. RAMPRASAD RAY
VILL - KHERONI KACHARI BASTI
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG

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ASSAM

PIN -782448

71: LALBABU BHAGAT
S/O LT. MANANJI BHAGAT
VILL - RANAIMA
P.O AND P.S - KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

72: SUBHASH CHAUHAN
W/O LT. SHIVNATH CHAUHAN
VILL - KHERONI PURANA BOSTI
P.O AND P.S KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

73: SHIVMANGAL YADAV
W/O - BALA CHAUDHARY
VILL - JAMPATHAR
P.O AND P.S KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -782448

74: SMT. SARASWATI DEVI
W/O LT. HARIPRASAD CHAUHAN

VILL - KHERONI NEPALI BOSTI
P.O AND P.S. KHERONI
DIST. WEST KARBI ANGLONG
ASSAM

PIN -78244

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY, LAND REVENUE AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR ASSAM PIN-781006.

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
THROUGH THE PRINCIPAL SECRETARY

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DIPHU
PIN- 782460.

3:THE SECRETARY
HILL AREA DEVELOPMENT DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR- 781006.

4:THE SECRETARY
LAND AND REVENUE DEPARTMENT KARBI ANGLONG AUTONOMOUS
COUNCIL
DIPHU. PIN-782460.

5:THE DISTRICT COMMISSIONER
WEST KARBI ANGLONG
HAMREN
PIN- 782486.

6:THE ASSISTANT REVENUE OFFICER DONKA
REVENUE CIRCLE
DONKAMOKAM
WEST KARBI ANGLONG . PIN- 782485

For the Petitioner(s) : Mr. R. P. Sarmah, Advocate
: Ms. A. Deka, Advovate

For the Respondent(s) : Mr. J. Chutia, SC, KAAC
: Mr. A. Bhattacharjee, Standing Counsel
: Ms. S. Baruah, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 26.07.2024 Issue notice making it returnable on 21.08.2024.

2. Mr. A. Bhattacharjee, the learned Standing counsel appears on behalf of the Respondent No.1; Mr. J. Chutia, the learned counsel appears on behalf of the Respondent Nos. 2, 4 & 6 and Ms. S. Baruah, Page No.# 16/17 the learned Standing counsel appears on behalf of the Respondent Nos. 3 and 5.

3. The Petitioners herein are approached this Court by filing the writ petition challenging the order dated 20.02.2024 as well as the general notice dated 11.07.2024 issued to vacate the land within a period of 15 days.

4. This Court has perused the order dated 20.02.2024 and taking into account the judgment of the Supreme Court in the case of Jagpal Singh and Others Vs. State of Punjab and others reported in (2011) 11 SCC 396, this Court prima facie finds no ground to interfere with the said orders. Be that as it may, the learned Senior counsel appearing on behalf of the Petitioners submits that the lands in respect to which the order dated 20.02.2024 has been passed are not PGR/VGR lands and as such the said order cannot be made applicable to the lands where the Petitioners are presently in occupation. He further submits that in that view of the matter, the Petitioners have a right of settlement over the land over which they are in occupation.

5. This Court is of the opinion that the Petitioners should be given a liberty to submit respective representations before the Respondent No.6 bringing to the notice of the said authority that the land which the Petitioners are in occupation are not PGR/VGR lands. In addition to that, the Petitioners would be at liberty to place that they have applied for settlement over the lands in question which are waste lands. This Court grants 15 days time from today for submission of the said representations.

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6. Till the next returnable date, the Respondent Authorities shall not take any action in respect to those Petitioners who have duly submitted representations.

7. The Karbi Anglong Autonomous Council shall also file an affidavit stating as to whether the lands where the Petitioners are in occupation have been declared to be PGR/VGR lands.

8. List accordingly.

JUDGE Comparing Assistant