

Page No.# 1/9 vs The State Of Assam And 6 Ors on 12 July, 2024

Author: Kalyan Rai Surana

Bench: Kalyan Rai Surana

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GAHC010138752024

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

Case No. : WP(C)/3524/2024

SANJAY BHAGAT AND 21 ORS
AGED ABOUT 35 YEARS, S/O SHRI BACHAN BHAGAT, R/O VILL-MAJH
BASTI, MOUZA-HAWAIPUR, DONKA REVENUE CIRCLE, P.O.-FOREST
BAZAR, P.S.-KHERONI, DISTRICT-WEST KARBI ANGLONG, ASSAM, PIN-
782448

2: RAMA PRASAD CHOUHAN
AGED ABOUT 65 YEARS
S/O LT. RAMSHUBHAK CHOUHAN
VILLAGE- NAWGHARWA (2 NO. KHERONI)
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR

CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

3: RAM SAMUJH CHAUHAN
AGED ABOUT 52 YEARS
S/O LT. SHANKAR CHAUHAN
VILLAGE- BAGISADUBI
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE - DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

4: SHIWDAYAL SAH
AGED ABOUT 48 YEARS

S/O LT. JAMADAR SAH

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VILLAGE-KHERONI KACHARI GAON
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

5: KAILASH PRASAD SAHU
AGED ABOUT 56 YEARS
S/O LT. ARAGH LAL SAHU
VILLAGE- JAMPATHAR (KHERONI CHARALI)
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE - DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

6: BIHARI RAM HARIJON
AGED ABOUT 80 YEARS
S/O LT. SUKHDEO HARIJON
VILLAGE- RANAIMA (JAMPATHAR)
P.O.- KHERONI
P.S.-KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

7: BIJOY CHOUHAN
AGED ABOUT 43 YEARS
S/O LT. GANGA CHOUHAN
VILLAGE- NOGHARUA (KHERONI)
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

8: SARAWAN BHAGAT
AGED ABOUT 58 YEARS
S/OLT. MANGAR BHAGAT

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VILLAGE- DAKHIN KHERONI (KACHARI GAON)
P.O. - KHERONI
P.S. - KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

9: MOHIT VARMA
AGED ABOUT 41 YEARS
S/O LT. YOGINDAR VARMA
VILLAGE- DAKHIN KHERONI (KACHARI GAON)
P.O.- KHERONI
P.S. - KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

10: SHIVA SHANKAR CHAUHAN
AGED ABOUT 45 YEARS
S/O LT. CHANDRABALI CHOUHAN
VILLAGE- KHERONI
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
PIN- 782448

11: SMT. TETARI DEVI
AGED ABOUT 70 YEARS
W/O KESHAB SINGH
VILLAGE- MAJ BASTI
P.O.- FOREST BAZAR
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

12: JAY PRAKASH
AGED ABOUT 45 YEARS
S/O- LT. SAMBHUNATH
VILLAGE- RANAIMA (KHERONI)

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P.O.- KHERONI
P.S- KHERONI
MOUZA- HAWAIPUR

CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

13: SHIV KUMAR CHOUHAN
AGED ABOUT 38 YEARS
S/O LT. CHANDRABALI CHOUHAN
VILLAGE- KHERONI GHAT
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

14: LOKNATH RAJBHAR
AGED ABOUT 46 YEARS
S/O MAGAL RAJBHAR
VILLAGE- BAGISADUBI NO.1
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

15: KAMAL RAJBHAR
AGED ABOUT 74 YEARS
S/O LT. KHUSHI RAJBHAR
VILLAGE- BAGISADUBI
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

16: DEUNATH RAJBHAR
AGED ABOUT 40 YEARS
S/O MANGAL RAJBHAR
VILLAGE- BAGISADUBI

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P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM

PIN-782448

17: DUDHNATH RAJBHAR
AGED ABOUT 54 YEARS
S/O LT. NARAYAN RAJBHAR
VILLAGE- NO. 1 BAGISADUBI
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

18: SUBHASH CHAUHAN
AGED ABOUT 43 YEARS
S/O LT. HARI CHAUHAN
VILLAGE- BAGISADUBI
P.O.- KHERONI
P.S.- KHERONI
MOUZA - HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

19: RAMBILAS CHAUHAN
AGED ABOUT 45 YEARS
S/OLT. SAMPAT CHAUHAN
VILLAGE- NO.1 BAGISADUBI
P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

20: JAGBARAN CHOUHAN
AGED ABOUT 85 YEARS
S/OLT. YATAN CHOUHAN
VILLAGE- NO.2 BAGISADUBI

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P.O.- KHERONI
P.S.- KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-782448

21: BIRBAL CHAUHAN

AGED ABOUT 77 YEARS
S/O BIDESHI CHAUHAN
VILLAGE- NO.1 BAGISADUBI
P.O. - KHERONI
P.S. - KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN- 782448

22: RAM PRABESH CHAUHAN
AGED ABOUT 53 YEARS
S/O LT. RAM JANAM CHAUHAN
VILLAGE- NO. 1 BAGISADUBI
P.O. - KHERONI
P.S. - KHERONI
MOUZA- HAWAIPUR
CIRCLE- DONKA REVENUE CIRCLE
DISTRICT- WEST KARBI ANGLONG
ASSAM
PIN-78244

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI - 781006

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI - 781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HILL AREAS DEPARTMENT
DISPUR

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GUWAHATI-781006

4:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KAAC
PIN-782460

5:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU

KAAC
PIN-782460

6:THE JOINT SECRETARY
IN-CHARGE OF REVENUE DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU. PIN-782460

7:ASSISTANT REVENUE OFFICER
DONKA REVENUE CIRCLE
DONKAMUKAM
DISTRICT-WEST KARBI ANGLONG
PIN-78248

Advocate for the Petitioner : MS M HAZARIKA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

12.07.2024 Heard Ms. M. Hazarika, learned Senior Counsel assisted by Ms. S. Newar, learned counsel for the petitioners. Also heard Mr. J. Handique, learned Standing Counsel for the Revenue Department representing the respondent nos. 1 and 2; and Mr. N. Goswami, learned Government Advocate appearing for the respondent no. 3.

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2. The learned Senior Counsel for the petitioners has submitted that the Standing Counsel for the KAAC representing the respondent nos. 4 to 7 was informed for listing of the matter today. None appears on call for the said respondents.

3. The petitioners claimed to have been in occupation of Government land for the last 60 years and in this writ petition filed under Article 226 of the Constitution of India, the petitioners have assailed order No. KAAC/Rev- 2045/2024/776 dated 20.02.2024 issued by the Principal Secretary (I/C), KAAC, by which a direction has been issued to the Assistant Revenue Officer, Donika Revenue Circle to take necessary steps for eviction of the unauthorized occupants.

4. The learned Senior Counsel for the petitioners has submitted that the petitioners have document to show their continuous presence on their respective land for the last 60 years which is by way of entry made in the chitha and also supported by payment of touzi bahira revenue. By referring to the statement made in paragraph 10 of the writ petition, the learned Senior Counsel has submitted that in the area in which the eviction is envisaged, there are 2008 nos. of household with the estimated

population of 11,664 nos. with 5 numbers of polling station centre and the description of the Government Institution and Public Facilities on the said land are also given therein.

5. In view of the above, issue notice returnable on 05.08.2024.

6. Requisite extra copies of the writ petition be served upon the learned State and Departmental Counsel within two working days.

7. As an interim measure and till the returnable date, it provided that the impugned order No. KAAC/Rev-2045/2024/776 dated 20.02.2024 shall remain Page No.# 9/9 suspended only in respect of the 22 numbers of petitioners herein.

8. The petitioners shall serve certified copy of this order to the Principal Secretary, KAAC (respondent no. 5) to bring this order to the notice of the said authority.

9. List on 05.08.2024.

JUDGE Comparing Assistant