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Author: Sanjay Kumar Medhi

Bench: Sanjay Kumar Medhi

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

Case No. : WP(C)/5025/2025

ISOB ALI
S/O- LATE JALAL SHEIKH,
VILL- NIZ BAGHMARI, P.O- BURIGANG , P.S- GINGIA, DIST- BISWANATH,
ASSAM, PIN-784176

2: AINAL HAQUE
S/O- MIJJET ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

3: AJIBUR RAHMAN
S/O- MIJJET ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

4: LAL BADSHA
S/O- SAHAJAN MUNSHI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA

DIST- BISWANATH
ASSAM
PIN-784176

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5: HASMAT ALI
S/O- LATE PIYAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

6: MIJJET ALI
S/O- JALAL SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

7: AMINUL HOQUE
S/O- LATE JALAL SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

8: IJJAT ALI
S/O- LATE JALAL SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

9: CHURMOHAMMAD ALI
S/O- LATE JALAL SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH

ASSAM
PIN-784176

10: JAMAL UDDIN
S/O- ISER ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

11: MOINAL HAQUE
S/O- MIJJET ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

12: ABDUL KARIM
S/O- LATE TADAR SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

13: KAMALA KHATUN
S/O- LATE KURBAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

14: ABBAS ALI
S/O- NAJIR AHMED

VILL- NIZ BAGHMARI
P.O- BURIGANG

P.S- GINGIA

DIST- BISWANATH
ASSAM
PIN-784176

15: EUNUS ALI
S/O- LATE ABDUL KUDDUS ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

16: AFRUJA KHATUN
D/O- NUR MAHAMMAD

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

17: FAZAL RAHMAN
S/O- LATE EUNUS ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

18: FORIJUDDIN ALI
S/O- EUNUS ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

19: MAKSER ALI
S/O- LATE ABDUL KUDDUS ALI

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VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM

PIN-784176

20: RAKIKUL HAQUE
S/O- ASAN UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

21: SADDAKKAS ALI
S/O- LATE ASAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

22: DILBOR HUSSAIN
S/O- JAFAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

23: ABDUL ALI
S/O- NAJIR AHMED

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

24: AMEJUDDIN ALI

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S/O- LATE TACHER ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

25: HAIDAR ALI
S/O- LATEIMAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

26: AHOR ALI
S/O- ISHAB ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

27: HAZRAT ALI
S/O- NAJIR AHMED

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

28: ALI HUSSAIN
S/O- JAFAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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29: AKKASH ALI
S/O- ASMAT ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

30: NUR HUSSAIN
S/O- LATE AFAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

31: MOINAL HAQUE
S/O- ASMAT ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

32: EUNUSH ALI
S/O- ASMAT ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

33: HAIPAD ALI
S/O- AKKASH ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

34: AMIL HOQUE
S/O- HASEN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

35: GIYASUDDIN AHMED

S/O- SAHAJAL MUNSHI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

36: MAHI UDDIN AHMED
S/O- ASMAT ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

37: MARMAT ALI
S/O- LATE ABDUL ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

38: RASU ULLAH SHEIKH
S/O- AJIJUL HAQUE

VILL- NIZ BAGHMARI
P.O- BURIGANG

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P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

39: MOINUDDIN
S/O- LATE ABDUL ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

40: RUKSANA KHATUN
D/O- JAKIR HUSSAIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

41: JAHIR ABADIN
S/O- ABDUL AHED @ WAHED

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

42: SAHJALAL ALI
S/O- KURBAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

43: SANUWAR HUSSAIN
S/O-JAFAR ALI

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VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

44: JAKARIYOH AHMED
S/O- ABDUL LATIF

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

45: MAHMUD ALI
S/O- AZAHAR ALI

VILL- NIZ BAGHMARI

P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

46: MOHIBUR RAHMAN
S/O- AFSAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

47: ABU HOQUE
S/O- AFAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-78417

VERSUS

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THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, PIN CODE- 781006, DISTRICT- KAMRUP(METRO), ASSAM.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
ASSAM
DISPUR
PIN CODE- 781006
DISTRICT- KAMRUP(METRO)
ASSAM.

3:THE DISTRICT COMMISSIONER

BISWANATH DISTRICT
BISWANATH CHARIALI
ASSAM.

4:THE CIRCLE OFFICER

BISWANATH REVENUE CIRCLE
DISTRICT- BISWANATH

ASSAM
PIN-78411

Advocate for the Petitioner : P. GHOSH, MR. SAYED SALIM AHMED, B DAS, MR. M K
HUSSAIN, MR. A M AHMED, MR H R A CHOUDHURY

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

Linked Case : WP(C)/5029/2025

AZAHAR ALI
S/O- KHABIR UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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2: SAHADAT HUSSAIN
S/O- AZAHAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

3: SAIFUL ISLAM
S/O- CHAHIJAL HAQUE

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

4: SUKUR ALI
S/O- LATE SURAT JAMAL

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM

PIN-784176

5: RASHID AHMED
S/O- NUR MOHAMAD

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

6: SAHIJAL HOQUE
S/O- AFASAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

7: FAKIR ALI
S/O- SAYDUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

8: MUKHTAR AHMED
S/O- SAYDUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

9: ABDUL RAHIM
S/O- ABDUL AHED @ WAHED

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

10: SAHJAHAN ALI
S/O- LATE SURAT JAMAL

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

11: SHAHIDUL HOQUE
S/O- SAHIJAL HOQUE

VILL- NIZ BAGHMARI
P.O- BURIGANG

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P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

12: SAYDUR RAHMAN
S/O- LATE GAFUR SHEIKH

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

13: MAJIMAL HOQUE
S/O- SAYDUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

14: ABU SUFIYAN
S/O- AFASAR ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

15: MOJAFUR HUSSAIN
S/O- SAYDUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

16: NIJEM ALI
S/O- KUBBACH ALI

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VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

17: UMAR HUSSAIN
S/O-LATE ABDUL KALAM

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

18: JUL HUSSAIN
S/O- LATE ABDUL KALAM

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

19: SUKUR ALI
S/O- LATE KUBBACH ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

20: CHAHIJAL HOQUE
S/O-LATE KUBBACH ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

21: MD. ALI AHMED

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S/O- LATE KUBBACH ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

22: SEKENDAR ALI
S/O-NUR MOHAMMAD

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

23: AYUB ALI
S/O- LATE SURHOQUE ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

24: SADDAM HUSSAIN
S/O- LATE ABDUL KALAM

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

25: NUR HUSSAIN
S/O- SAHA ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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26: MUSA NABI
S/O- LATE SURHOQUE ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

27: KHAIRUL BADSHA
S/O- SAHA ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

28: SAMSUDDIN AHMED
S/O- SAHAJAL MUNSHI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

29: MUSTAKIM ALI
S/O- LATE SALEH AHMED

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

30: FAKIR ALI
S/O- LATE KUBBACH ALI

VILL- NIZ BAGHMARI

P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

31: OMAR ISLAM
S/O- LATE NUR MOHAMMAD

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

32: UZIR AHMED
S/O- SAHIBUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

33: SADDAM HUSSAIN
S/O- CHAIBUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

34: SULTAN ALI
S/O- SAYED BADSHA

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

35: FAKIR ALI
S/O- SAIDUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG

P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

36: MANWARA KHATUN
D/O- AMUJ UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

37: ABDUL KHALEK
S/O- AFAZ UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

38: MUJAHAR ALI
S/O- LATE SARPAT ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

39: CHAHIBUR RAHMAN
S/O- LATE MOIDAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

40: NAJIR AHMED
S/O- CHAHIBUR RAHMAN

VILL- NIZ BAGHMARI
P.O- BURIGANG

P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

41: SAHAJAMAL HOQUE
S/O- ABDUL ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

42: HAMED ALI
S/O- LATE MOIDAN ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

43: NURUL AMIN
S/O- AZAD ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

44: ABSAR ALLI
S/O- NAUSAD ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

45: SOFIKUL ALI

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S/O- NUR MOHAMMAD

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA

DIST- BISWANATH
ASSAM
PIN-784176

46: SAMSUL HOQUE
S/O- SAHAB ALI

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

47: HAFIZ UDDIN
S/O- LAL MIYA

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

48: KHAIRUL BASAR
S/O- AFAZ UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

49: HASEN ALI
S/O- LATE EYAJ UDDIN

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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50: MUKBUL HUSSAIN
S/O- ABDUL KARIM

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH

ASSAM
PIN-784176

51: ABDUL HOQUE
S/O- ABDUL KARIM

VILL- NIZ BAGHMARI
P.O- BURIGANG
P.S- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176
VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
PIN CODE- 781006
DISTRICT- KAMRUP(METRO)
ASSAM.

2:THE COMMISSIONER AND SECRETARY
TO THE DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
ASSAM
DISPUR
PIN CODE- 781006
DISTRICT- KAMRUP(METRO)
ASSAM.

3:THE DISTRICT COMMISSIONER

BISWANATH DISTRICT BISWANATH CHARIALI
ASSAM.

4:THE CIRCLE OFFICER

BISWANATH REVENUE CIRCLE DISTRICT- BISWANATH
ASSAM
PIN-784117

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Advocate for : P. GHOSH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND OTHERS

Linked Case : WP(C)/5028/2025

MALOK UDDIN AHMED AND 68 ORS.
S/O LATE SARPAT ALI

VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

2: SAFIUDDIN AHMED
S/O MALOKUDDIN AHMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

3: HASEN ALI
S/O HANIF ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

4: ABUBAKKAR SIDDIK ALI
S/O HASEN ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

5: AMIL HAQUE
S/O HASEN ALI
VILL- NIZ BAGHMARI

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P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

6: JABED ALI
S/O AJGAR ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

7: ISHAB ALI
S/O LATE ISMAIL
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

8: AFAJUDDIN
S/O LATE HASIYA MANDAL
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

9: KHAIRAN NESSA
W/O LATE NUR JAMAL
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

10: ABDUL HAKIM
S/O HANIF ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

11: AJGAR ALI
S/O SAHA ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

12: ABDUL RAHIM
S/O LATE SURUT JAMAL
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA

DIST- BISWANATH
ASSAM
PIN-784176

13: JOYNAB ALI
S/O IYAJUDDIN
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

14: AKKEL ALI
S/O MAMTAJ ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

15: PIYAR ALI
S/O LATE MAHAMMAD SHEIKH
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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16: KOBED ALI
S/O AJGAR ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

17: NAJMUDDIN AHMED
S/O BAHAJ UDDIN AHMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

18: ABDUL ALI
S/O YAKUB ALI
VILL- NIZ BAGHMARI

P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

19: JABBAR ALI
S/O ABDUL AHED @ WAHED
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

20: MANORA KHATUN
D/O IDRIS ALI
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

21: TAHLIMA KHATUN
D/O LATE TACHER ALI
VILL- NIZ BAGHMARI

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P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
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22: ABDUL SALAM
S/O LATE SAHAR ALI
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

23: JABIR ISLAM
S/O ABDUL KADER
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

24: SAHIDUL ISLAM
S/O NADER HUSSAIN
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

25: HABIBUR RAHMAN
S/O LAL MIYA
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

26: HAIDAR ALI
S/O LAL MIYA
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

27: JAKIR HUSSAIN
S/O NUR ISLAM
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

28: ALI AHMED
S/O JAHIR ABADIN
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

29: ANOWAR HUSSAIN
S/O SAHKAMAL ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH

ASSAM
PIN-784176

30: KUTUBUDDIN
S/O HAIDAR ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

31: SANUWAR ISLAM
S/O ABDUL HAMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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32: ABDUL MATIN
S/O YAKUB ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

33: ABDUL KALAM
S/O HANIF ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

34: INSER ALI
S/O IDRISH ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

35: AKKIR HUSSAIN
S/O NUR ISLAM
VILL- NIZ BAGHMARI
P.O.- BURIGANG

P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

36: MAST ALI
S/O NUR ISLAM
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

37: SAHADAT HUSSAIN
S/O NUR ISLAM
VILL- NIZ BAGHMARI

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P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

38: AKKASH ALI
S/O LATE NUR ISLAM
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

39: ABBASH ALI
S/O LATE NUR ISLAM
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

40: ANSER ALI
S/O LATE NUR ISLAM
VILL- NIZ BAGHMARI
P.O. - BURIGANG
P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

41: SAYED ALI

S/O ABDUL MAJID
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

42: FARIJUDDIN
S/O KURBAN ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH

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ASSAM
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43: JAGIR HUSSAIN
S/O LATE JAFAR ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

44: SAIDUR RAHMAN
S/O KAMRAZ ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

45: HISSABUDDIN AHMED
S/O SAHAJAL MUNSHI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

46: FURKAN HUSSAIN
S/O FUL MAHAMMAD
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM

PIN-784176

47: HAIDAR ALI
S/O ABDUL HAMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

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48: SADAK ALI
S/O ABDUL HAMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

49: USMAN GONI
S/O ABDUL KADIR
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

50: SHAIB ALI
S/O ABDUL MAJID
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

51: SANUWAR ISLAM
S/O SAHKAMAL ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

52: JULKAN HUSSAIN
S/O FUL MAHAMMAD
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA

DIST- BISWANATH
ASSAM
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53: SABDAN HUSSAIN
S/O LATE IMAN ALI
VILL- NIZ BAGHMARI

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P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

54: AJAN ALI
S/O LATE TACHER ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

55: OLI AHMED
S/O SAHKAMAL ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

56: AMIJUL RAHMAN
S/O LATE TACHER ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

57: KAJIMAL HAQUE
S/O ABDUL KADIR
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

58: KAMAL HUSSAIN
S/O ABDUL KADIR

VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH

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ASSAM
PIN-784176

59: SULTAN ALI
S/O NABIJAN HOQUE
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

60: HASMAT ALI
S/O KURMAN ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

61: GULJAR ALI
S/O NABIJAN HOQUE
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

62: HAJRAT ALI
S/O LAL MIYA
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

63: HABIBUR RAHMAN
S/O MOIDAN ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

64: AKBAR ALI
S/O ABDUL KARIM
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

65: GAJIR AHMED
S/O ABDUL KARIM
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

66: MAJID ALI
S/O LATE ICHAN ALI
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

67: JIYARUL RAHMAN
S/O ALI AHMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

68: JAYDUR RAHMAN
S/O ALI AHMED
VILL- NIZ BAGHMARI
P.O.- BURIGANG
P.S.- GINGIA
DIST- BISWANATH
ASSAM
PIN-784176

69: SOFIKUL AHMED
S/O ALI AHMED
VILL- NIZ BAGHMARI

P.S. - GINGIA
DIST- BISWANATH
ASSAM
PIN-784176
VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DISTRICT COMMISSIONER
BISWANATH DISTRICT
ASSAM
PIN-784177

4:THE CIRCLE OFFICER
BISWANATH REVENUE CIRCLE
DIST- BISWANATH
ASSAM
PIN-784117

Advocate for : MR H R A CHOUDHURY

Advocate for : GA ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

18.09.2025 Heard Shri HRA Choudhury, learned Senior Counsel assisted by Shri AM Ahmed, learned counsel for the petitioners in all the 3 cases. Also heard Shri D. Saikia, learned Advocate General, Assam assisted by Shri R. Borpujari, learned Page No.# 37/41 counsel for the State respondents.

2. Considering the subject matter involved and as agreed to by the learned counsel for the parties, these writ petitions are taken up for disposal at the motion stage itself. Suffice it to mention that this Court had earlier passed order dated 29.08.2025 directing the respondents to obtain instructions and in the meantime, the pleadings have also been exchanged. It also transpires that pursuant to the observations made by this Court, the petitioners have submitted their individual response to the

impugned notice dated 20.08.2025.

3. The challenge in these writ petitions are against an impugned identical notices dated 20.08.2025 issued by the Circle Officer, Biswanath Revenue Circle under Regulation 18(1) and (2) of the Assam Land and Revenue Regulation (ALRR), 1886. For better appreciation, the contents of one of the notices are extracted hereinbelow:

"NOTICE It has come to the notice of the undersigned that you have encroached to the land of Village Grazing Reserve (VGR) described in the schedule below of village-Baghmari under Baghmara Mauza. In that context and in exercise of the power conferred by Section 18(2) of the Assam Land and Revenue Regulation Act (ALRR), 1886, order passed by the Supreme Court of India in Appeal No.1132/2011 @ SLP(C) No.3109/2011 (Civil Appellate Jurisdiction) and Memo No.RSS 188/2011/Pt./29 dated 15/06/2015 of Revenue and Disaster Management Department, and the order of the District Commissioner, Biswanath, vide No.ECG-154128 dated 18/08/2025, this notice is issued to you under the provision of Section 18(2) and Page No.# 38/41 (3) of the Assam Land and Revenue Regulation, directing you to dispose of any structure, house, shop, building illegally constructed by you on the land and any kind of cultivation done on the land and vacate the land within 15 days of issue of this notice. If you have any claim of right over the land, you are asked to inform the office of the undersigned with relevant documents / particulars.

Otherwise, the encroachers will be responsible for their eviction from the land and for imposition of fine as per the rules/sub-rules of Assam Land and Revenue Regulation, 1886.

Scheduled of Land Ka) Revenue village - Niz Baghmari Kha) Dag No. 189 Gogchar (VGR) and 203 No. Gopchar (VGR) Sd/-

Circle Officer Biswanath Revenue Circle Biswanath Chariali"

4. Shri Choudhury, learned Senior Counsel for the petitioners has submitted that the aforesaid provisions of law are not applicable as the petitioners are not encroachers. Rather, it is contended that the petitioners are erosion affected persons and in this regard, a communication of 1957 has been relied upon, as per which, certain grazing land under Dag No. 25, Baghmara Mouza were de-reserved for settlement. The settlement process was initiated and the predecessors of the petitioners were given Annul Periodic Patta for different Page No.# 39/41 plots of land. He has also submitted that even before independence, a Gaonburah was appointed. He accordingly submits that the present notices are not sustainable in law.

5. Shri Saikia, learned Advocate General, Assam has strenuously opposed the writ petitions by submitting that those have been presented at the pre-mature stage as final decision is yet to be taken. He has denied that any part of the grazing land were ever de-reserved and allotted to any person. He has also submitted that the records do not contain any communication of 1957 of de-

reserving of any grazing land.

6. The learned A.G. has also drawn the attention of this Court to the affidavit-in-opposition filed on 04.09.2025 along with which the relevant documents including a Map have been enclosed. It is submitted that the present drive to remove the encroachment are from a grazing land covered by Dag Nos. 203 and 189 which is clearly reflected in the Map.

7. Shri Choudhury, learned Senior Counsel for the petitioners has however submitted that pursuant to the impugned notices, the petitioners have filed their individual responses along with all the documents to show their bona fide. He has also disputed the Map enclosed to the affidavit-in-opposition and on the other hand has placed before this Court a Map which has been stated to be extracted from the website.

8. After considering the rival submissions, this Court is of a prima facie opinion that a final decision is yet to be taken by the respondent authorities after the individual response and documents have been submitted by the petitioners in response to the notice dated 20.08.2025. It also appears that there are disputes which are factually in nature and which can be gone into only Page No.# 40/41 by the authorities after proper verification with the records and other contemporaneous materials. As observed above, while the petitioners have claimed that they are not encroachers and have documents to show their settlement, the said fact has been stoutly refuted on behalf of the State. It is needless to mention that if encroachments are found in VGR land, the same are to be removed which has been directed by the Hon'ble Supreme Court in the case of Jagpal Singhs Vs. State of Punjab reported in (2011) 11 SCC 396 wherein the following directions have been given:

"23. Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

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9. In view of the aforesaid situation, this Court is of the opinion that the appropriate authority, in the office of the District Commissioner, Biswanath be directed to take a final decision by considering

the individual response and the documents submitted by the petitioners pursuant to the notices dated 20.08.2025. Such decision, as directed above, is to be taken after giving the petitioners personal hearing and by making any inquiry through any authorized person, if deemed necessary. The decision be taken expeditiously and till such decision is taken, status quo as on today be maintained.

10. The writ petitions are accordingly disposed of in terms of the observations made above.

JUDGE Comparing Assistant