

Page No.# 1/16 vs The State Of Assam And Ors on 5 August, 2025

Page No.# 1/16

GAHC010172022025

undefined

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

Case No. : WA/251/2025

ABDUL KHALEK AND 58 ORS
S/O ABDUL BAREK, A R/O VILL. NO.2 NEGHERIBILL, P.O. MERAPANI, P.S.
MERAPANI, DIST. GOLAGHAT, ASSAM.

2: ABDUL BAREK
S/O.-LT. ABDUL SALAM A RESIDENT OF VILL-NO. 2 NEGHERIBILL P.O.-
MERAPANI P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

3: ABDUL HASEN
S/O.-LT. ABDUL SALAM A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

4: ABDUL MOTLIB
S/O-LT. ABDUL SALAM A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

5: SAMSUL ALI
S/O- SAHABUDDIN A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

6: ABUL HUSSAIN
S/O- SAMSUL ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

7: ABDUL ROHIM

Page No.# 2/16

S/O-NEGBOR ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

8: NABI HUSSAIN
S/O- LT. AMJED ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

9: JOYNUDDIN
S/O- LT. SARMAMUD A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

10: JOYNAL ABEDIN
S/O- LT. JABDUL SEKH A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

11: ABDUL HAMID
S/O- LT. AHMOD ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

12: MIRU HUSSAIN
S/O- LT. AMJAT ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

13: NURUL ISLAM
S/O- LT. AHMAD ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

14: ABDUL MOTLIB
LT. SAHAMAT ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

15: ABDUL SATTAR
S/O- SAHAMAT ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI

DIST.- GOLAGHAT
ASSAM

16: MOJIBUR RAHMAN

S/O- LATE SAMAD ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

17: HOBIBUR RAHMAN

S/O- LATE SAMAD ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

18: AJIBUR RAHMAN

S/O-LATE SAMAD ALI A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

19: SAHAD ALI

S/O- ISMAIL ALI ALIAS ISMAILE A RESIDENT OF VILL -NO. 2
NEGHERIBILL P.O.- MERAPANI
P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

20: ABDUL KADIR

S/O- SABED A RESIDENT OF VILL -NO. 2 NEGHERIBILL P.O.- MERAPANI
P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

21: JAHAD ALI

S/O- ISMAIL ALI @ ISMAMILE A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

22: YAKUB ALI

S/O- ABDUL JABBER A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

23: ABDUL RAJAK

S/O- AMJAT ALI A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

Page No.# 4/16

ASSAM

24: YUSUF ALI

S/O- LATE LUKMAN ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI

DIST. - GOLAGHAT
ASSAM

25: ALLAL UDDIN
S/O- ABDUL ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

26: MAINUL HAQUE
S/O-LATE ILAHI BAKHS A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

27: ISRAFIL ALI
S/O-LT. JALAL UDDIN A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

28: ABDUL JALIL
A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

29: ABDUL JABBER
S/O- LT. MEJACHIN SHEIKH A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

30: ABDUL MAJID
S/O- LT. ALIMUDDIN MAJID
A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

31: RAHIM UDDIN
S/O-LT. AMJAT ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI

Page No.# 5/16

DIST. - GOLAGHAT
ASSAM

32: AMIR HUSSAIN
S/O- LT. MOHAJAN HUSSAIN A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

33: SAMAR UDDIN AHMED

S/O-JAYNAL ABEDIN A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

34: ROFIZ UDDIN

S/O- LT. MIRAJ ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI DIST.- GOLAGHAT

ASSAM

35: MUSTAFA ALI

S/O-LT. SULEMAN ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

36: ABUL BASAR

S/O- LT. SAFIQL ISLAM A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

37: RAFIQL ISLAM

S/O-LT. IDRISH ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

38: ABUSAMA ALI

S/O- LT. RUSTAM ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

39: ANARUL HUSSAIN

S/O-LT. MOJIBUR RAHMAN A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI DIST.- GOLAGHAT

ASSAM

Page No.# 6/16

40: ABDUL SALAM

S/O- LT. AMCHAR ALI A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT

ASSAM

41: ABDUL KADIR

S/O- AHMAD ALI
A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI

DIST. - GOLAGHAT
ASSAM

42: HASEN KAZI
S/O- LT. PACHAN ALI A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

43: IKRAJUL HAQUE
S/O-LT. OMAR KAJI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

44: HABIBUR RAHMAN
S/O- LATE CHAMAR ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

45: FURKAN ALI
S/O-KAJIMUDDIN ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

46: MAJIBUR RAHMAN
S/O- LT. CHAMAR ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

47: NUR HUSSAIN
S/O- OCHAMAN ALI ALIAS OSMAN ALI A RESIDENT OF VILL-NO. 2
NEGHERIBILL P.O.- MERAPANI
P.S-MERAPANI DIST.- GOLAGHAT
ASSAM

Page No.# 7/16

48: RAHMAN ALI
S/O- LT. ABU SIDDIK A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

49: ABBACH ALI @ ABBAS ALI
S/O- LT. HACHEN ALI ALIAS HASEN ALI A RESIDENT OF VILL -NO. 2
NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

50: ABDUL JABBER
S/O- JOYNAL ABEDIN A RESIDENT OF VILL -NO. 2 NEGHERIBILL

P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

51: ABDUL BAREK
S/O- LT. JUBED ALI
A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

52: RAHAM ALI
S/O-LT. AMCHAR ALI A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

53: YUSUF ALI
S/O- LT. NEKABAR ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

54: MAMUD ALI
S/O-LT. ISMAIL ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT
ASSAM

55: FAKR UDDIN
S/O.- LATE JAHUR UDDIN A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT, ASSAM.

Page No.# 8/16

56: MAINUL HAQUE
S/O.- SAIDUR RAHMAN A RESIDENT OF VILL-NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT, ASSAM

57: ABDUL ALI
S/O.- SAHAB UDDIN A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT, ASSAM

58: SAIDUL RAHMAN
S/O.- LATE HUSSAIN ALI
A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O. - MERAPANI P.S-MERAPANI
DIST. - GOLAGHAT, ASSAM

59: AJAN ALI

S/O.- JAYMAT ALI A RESIDENT OF VILL -NO. 2 NEGHERIBILL
P.O.- MERAPANI P.S-MERAPANI
DIST.- GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
TO BE REPRESENTED BY THE CHIEF SECY. TO THE GOVT. OF ASSAM,
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX), DISPUR, GUWAHATI
781006

2:THE SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE AND WILDLIFE
O/O THE PCCF AND HOFF
ASSAM
ARANYA BHAWAN

Page No.# 9/16

PANJABARI
GUWAHATI- 781037

5:THE DIVISIONAL FOREST OFFICER
GOLAGHAT DIVISION
GOLAGHAT
ASSAM

6:THE DISTRICT COMMISSIONER
GOLAGHAT
ASSAM

7:THE SUPERINTENDENT OF POLICE
GOLAGHAT
ASSAM

8:THE CIRCLE OFFICER
GOLAGHAT REVENUE CIRCLE
GOLAGHAT
ASSAM

9:THE OFFICER IN CHARGE
MERAPANI POLICE STATION
GOLAGHAT
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, MR. N ISLAM,MR. M A I HUSSAIN

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

Linked Case : WA/252/2025

YUNUS ALI AND 14 ORS
S/O IDDICHI ALI
VILL.GELAJAN
DIST.GOLAGHAT
ASSAM.

2: JAKIR HUSSAIN
S/O-KARI ISMAIL. Vill- GELAJAN
DIST- GOLAGHAT
ASSAM

3: NUMAN ALI
S/O-ABDUL KALAM. Vill- BIDYAPUR
Dist- GOLAGHAT

Page No.# 10/16

ASSAM

4: TAHIR HUSSAIN BARBHUYAN
S/O-MOIN UDDIN BARBHUYAN. Vill- BIDYAPUR
Dist- GOLAGHAT
ASSAM

5: NURUL ISLAM
S/O-IMAN ALI. Vill- NO 2 MADHUPUR
Dist- GOLAGHAT
ASSAM

6: HARIS ALI
S/O-CHAMAR @ SAMAR ALI. Vill- GELAJAN. Dist- GOLAGHAT
ASSAM.

7: FAIJUL HOQUE
S/O-JALAL UDDIN. Vill- RAJAPUKHURI
DIST- GOLAGHAT
ASSAM

8: ABUL HUSSAIN
S/O-MOIJUDDIN. Vill- RAJAPUKHURI
Dist- GOLAGHAT
ASSAM

9: ABUL HACHIM
S/O-HABIJ UDDIN. Vill- GELAJAN
Dist- GOLAGHAT
ASSAM.

10: AHMED ALI
S/O-UMED ALI. Vill- DHUPGURI
Dist- GOLAGHAT
ASSAM.

11: JAFAR ALI
S/O-MAJIT ULLAH. Vill- GELAJAN
Dist- GOLAGHAT
ASSAM.

12: KAPIL UDDIN
S/O-CHABU SHAIKH. Vill- GELAJAN
Dist- GOLAGHAT
ASSAM

13: SAMSUL HAQUE
S/O-ROMJAN ALI. Vill- GELAJAN

Page No.# 11/16

Dist- GOLAGHAT
ASSAM

14: ABDUS SALAM
S/O- ABDUL HAMID. Vill- GELAJAN. Dist- GOLAGHAT
ASSAM.

15: SAIFUL ISLAM
S/O-NUR ISLAM. Vill- RAJAPUKHURI NO. 3
Dist- GOLAGHAT
ASSAM.
VERSUS

THE STATE OF ASSAM AND ORS
TO BE REPRESENTED BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI 781006

2:SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT
JANATABHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

3:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)

DISPUR
GUWAHATI - 781006

4:PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST
FORCE AND WILDLIFE
O/O THE PCCF AND HOFF
ASSAM
ARANYABHAWAN
PANJABARI
GUWAHATI - 781037

5:DIVISIONAL FOREST OFFICER
GOLAGHAT DIVISION
GOLAGHAT
ASSAM

6:DISTRICT COMMISSIONER
DIST- GOLAGHAT
ASSAM

Page No.# 12/16

7:SUPERINTENDENT OF POLICE
DIST- GOLAGHAT
ASSAM

8:CIRCLE OFFICER
SARUPATHAR REVENUE CIRCLE
GOLAGHAT
ASSAM

9:OFFICER IN CHARGE
URIAMGHAT POLICE STATION
GOLAGHAT
ASSAM

For petitioner/applicant(s) : Mr. A. R. Bhuyan, Advocate For respondent(s) : Mr. D. Saikia, AG,
Assam Mr. D. Nath, Sr. GA, Assam

- BEFORE -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR HON'BLE MRs. JUSTICE ARUN DEV
CHOUDHURY 05.08.2025 (Ashutosh Kumar, CJ) Both the appeals have been taken up together for
consideration since the issue involved in these appeals are identical, i.e., eviction of encroachers
from reserved forest area.

We have heard Mr. A. R. Bhuyan, learned counsel for the appellants in both the appeals, and Mr. D.
Saikia, learned Advocate General, Assam, Assisted by Mr. D. Nath, learned Senior Government
Advocate, Assam, for the State/respondents.

About 59 persons came up before this Court by filing WP(C) 4257/2025 and another group of about 15 persons approached this Court by filing WP(C) No. 4258/2025, challenging the issuance of Notices dated 21.07.2025 and 24.07.2025 issued by the respondent authority, asking them to vacate their land Page No.# 13/16 within seven days, alleging that such action of the respondents is in contravention of the provisions contained in Section 18(2) of the Assam Land and Revenue Regulation, 1886 (in short, "Regulation of 1886") and the Assam Land Policy, 2019 as also the guidelines of the Supreme Court laid down in the order dated 13.11.2024, passed in WP(C) 295/2022.

The claim of the writ petitioners before the learned Single Judge was that they are in possession of the land in question since the time of their forefathers and such notices have been served upon them without any specific demarcation as to whether the land in question, said to be in illegal occupation of the appellants/writ petitioners, is a revenue land or forest land. It was thus prayed that in absence of any such clear demarcation, the notices be treated as non est. The learned Single Judge, after considering the rival submissions of the parties, found that providing only 7 days' window to the appellants/writ petitioners to vacate the land, over which they have been residing for a long number of years, as claimed by them, would be too less and therefore extended the time for clearing the forest land till 07.08.2025.

However, by the impugned orders, the appellants/writ petitioners were directed to vacate the forest land and the State was also directed to take steps for eviction and conservation of the forest land. These orders were, however, made applicable only to the writ petitioners/ appellants.

The contention of the appellants in these appeals is that no procedure has been followed for their eviction from their houses, which had been allocated to them under some scheme of the government in the past.

The learned Advocate General, however, stoutly contested the afore-noted Page No.# 14/16 submission and stated that the appellants are encroachers in the reserve forests, namely, Doyang and South Nambar Reserved Forests. He has further submitted that after the notification converting the forests to be a reserved forests and its proclamation by the concerned officer, any non-forest activity in the reserved forests would be a criminal offence for which penalty has been provided under the Assam Forest Regulation, 1891.

In such reserved forest, any act of clearing of forest by an encroacher, or the act of setting fire, or leaving any fire burning which would endanger such forests; or any kindling, keeping or carrying any fires except in such seasons and in such manner as a forest officer specially empowered in this behalf may from time to time notify; or felling or cutting or girdling, marking, lopping, tapping or injuring by fire or otherwise any tree; or quarrying stone, burning lime or burning or collecting charcoal or removing any forest-produce; or clearing or breaking up any land for cultivation or any other purpose, is strictly prohibited.

He has further submitted that approximately 29 lakh Bighas of land in the reserved forests in the entire State of Assam is infested with encroachers and with the drive undertaken by the State for

removing such encroachers, more than 1 lakh Bigha of land has been cleared from encroachment. It is in the same process of clearing the encroachments that such notices have been issued to the writ petitioners/appellants.

Learned counsel for the appellants, however, submits that the appellants are residing in the houses constructed long time ago with the government funds over the allocated land.

However, such statements are not supported by any documentary proof.

Page No.# 15/16 In fact, as we have been informed, the Doyang and Nambar Reserved Forests had been notified as such about a hundred years ago and never in the past, the appellants had made any claim for settlement, or for their right for Jhoom cultivation, or else it would have been decided by the forest authorities.

Learned Advocate General has further submitted that the forest area in question has been demarcated and only such persons, who are found to be residing in such demarcated area, have been issued notices. For the eviction of encroachers from the revenue land of the State, a procedure has been delineated. However, considering the fact that no activity is permissible in the reserved forest area, no such specific procedure is prescribed in the Regulation of 1891.

He has further contended that none of the appellants are either flood affected or landless, or forest dwellers. They are squatters and encroachers who, by their continuous illegal activities, have been damaging the natural habitat of such reserved forests. He has gone to the extent of saying that this encroachment is a designed way to capture the forest land, which cannot be permitted.

No procedure has been delineated in the statute for removal of encroachment from a reserved forest land only for the reason that there can be no settlement or no other activities except forest activity in a reserved forest, thereby leading to the presumption that any person residing in the demarcated/reserved forest is an encroacher.

We have already noted that except a bald statement of the appellants that they have been residing in the houses constructed over the years, which do not fall in the reserved forest area, no proof for such statement has been given.

Page No.# 16/16 Precisely for this reason, the learned Single Judge thought it best to provide them another 7 days' time for clearing the reserved forest area, failing which the State Government would be within its rights and also under its obligation to have the forest area cleared.

However, in order to satisfy ourselves that the appellants are not forcefully and illegally evicted from their place of residence, we permit the appellants to bring on record any document to establish the claim of their having been allocated land in the reserved forest area for construction of houses.

For the aforesaid purpose, we extend the time given to them to clear the forest area for another ten days, to be counted from today.

The learned Advocate General shall also ensure that a positive statement is made by way of affidavit of a responsible forest official that the appellants have been residing in the reserved forest area without any entitlement and are liable to be evicted forthwith.

Let this matter come up for consideration on 14.08.2025. Till such time, no coercive steps shall be taken against the appellants.

JUDGE

CHIEF JUSTICE

Comparing Assistant