

# Page No.# 1/2 vs The State Of Assam And Ors on 18 August, 2025

Page No.# 1/20

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.# 2/20

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.# 4/20

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.# 5/20

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.# 6/20

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.# 7/20

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

Page No.# 8/20

DIST. - GOLAGHAT  
ASSAM.

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

Page No.# 9/20

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF  
FOREST FORCE AND WILDLIFE  
O/O THE PCCF AND HOFF  
ASSAM  
ARANYA BHAWAN  
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 IDDICH ALI  
VILL.GELAJAN  
DIST.GOLAGHAT  
ASSAM.

Page No.# 10/20

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

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

Page No.# 11/20

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

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

Page No.# 12/20

GOLAGHAT DIVISION  
GOLAGHAT  
ASSAM

6: DISTRICT COMMISSIONER

DIST- GOLAGHAT  
ASSAM

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 the appellants : Mr. A.R. Bhuyan, Advocate

For the respondents : Mr. D. Saikia,  
Advocate General, Assam  
Mr. D. Nath,  
Addl. Sr. Govt. Advocate, Assam

Ms. P. Barua, Advocate  
Ms. P.R. Mahanta, S.C., Revenue

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR  
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

18-08-2025

(Ashutosh Kumar, C.J.)

59 of the appellants have challenged the notices dated 24.07.2025 issued to them, asking them to vacate the forest land within seven days.

2. The land in question falls in the reserved forest about which there is no dispute. The challenge was made on the ground of non-adherence to Section 18 (2) of the Assam Land and Revenue Regulation, 1886 as also violation of the Assam Land Policy, 2019 and the Guidelines of the Hon'ble Supreme Court in its order dated 13.11.2024 passed in WP(C) 295/2022.

3. The learned Single Judge, while dealing with the case of the appellants, found that they deserved to be granted a bigger window to vacate the land in question.

4. Not satisfied with this, the appellants preferred an appeal.

5. This Court, on 05.08.2025, noted that in any reserved forest, any act of clearing of forests by an encroacher, or setting fire, or continuing with any activity is strictly prohibited. There could be no way in which the land in reserved forest could be used for any purpose whatsoever. While hearing these appeals, this Court also noted the submissions of the learned Advocate General that in the State of Assam, 29 lakh Bighas of land in the reserved forests have been occupied by the encroachers and because of the intensive drive undertaken by the State Government, more than 1 lakh Bigha of land has already been cleared from encroachment. It was only a part of the same anti-

Page No.# 14/20 encroachment drive that the notices impugned in the writ petition were issued to the appellants.

6. The consistent stand of the appellants has been that they are/have been residing in the houses constructed out of the government fund long time ago over the allocated land. Since such statement is not supported by any affidavit or proof, this Court directed the appellants to come up with any possessory/title document to substantiate their claims.

7. Even though the stand of the State is that the Doyang and Nambar Forests were notified about 100 years ago as Reserved Forests and that the appellants had never made any claim for any settlement or any right for Jhoom cultivation, such claims of the appellants were absolutely bogus; we asked the State also to furnish requisite affidavit stating about the procedure for evicting the encroachers from the reserved forest lands.

8. The State has consistently harped upon the fact that the forest land in question has been clearly demarcated and only such persons, who are found to be residing in such demarcated reserved forest area, have been issued notices. It has also been clarified before us that for removal of encroachment from the revenue land of the State, there is a specific procedure but since no activity under any circumstance is permissible in the reserved forest area, the rules and regulations in that regard do not prescribe any specific procedure for evicting the encroachers from the reserved forest land.

9. With respect to the appellants, the State has made a categorical statement that none of the appellants are either flood effected or landless, or forest dwellers; rather they are squatters and encroachers, who, by their Page No.# 15/20 continuous illegal presence inside the reserved forest area and illegal activities, have caused sufficient damage to the natural habitat of such reserved forests. Perhaps their stay inside the reserved forest area would tantamount to letting them succeed in their plans of capturing the forest land in a designed way which would ultimately have a devastating and spiralling effect causing complete ecological apocalypse.

10. Pursuant to our direction on 05.08.2025, the State as also the appellants have filed their respective affidavits. In the affidavit on behalf of the State, sworn by the Principal Chief Conservator of Forests & Head of the Forest Force, Assam, it has been stated that even in the absence of any procedure for eviction of encroachers from the reserved forest land, the appellants were issued notice intimating them that they had illegally entered in the Doyang and Nambar reserved forest and are required to exit from the forest area within seven days. The affidavit further elucidates that Regulations 24 and 25 of the Assam Forest Regulation, 1891 provide for penalties for trespass and damage of any reserved forest. In this view of the matter, there cannot be any question of permitting any encroacher to reside within the demarcated reserved forest land. Even if, for some inaction on the part of the forest official, some persons in the past were allowed entry in the reserved forest area, who continued to stay there, they would have no enforceable right against the government when such eviction drive is undertaken. With respect to the particular reserved forest of Doyang, the affidavit of the State clearly indicates that till date, 320 numbers of dwelling houses and other structures, illegally erected, have been removed and about 400 Bighas of reserved forest land have been made encroachment free. According to the information received, the appellants and many other similarly situated persons were indulging in commercial farming of betel-nut trees and Page No.# 16/20 had also set up fisheries.

11. This appears to us to be shocking.

It really calls for a total revamp/restoration of the State mechanism to prevent any such infiltration in the reserved forest areas.

12. We will get back to this issue later after having dealt with the affidavit of the appellants.

13. Another shocking fact disclosed in the affidavit of the State is that some commercial shops were also found existing inside the forest area. Those also fortunately have been dismantled during this anti-encroachment drive. The contention of the State is that apart from the appellants, all other encroachers/notices in the area in question have already made their exit and they have returned to

their original native places in the districts of Nagaon, Morigaon, Cachar, Hailakandi, Barpeta etc.

14. In opposition to the afore-noted affidavit, Mr. A.R. Bhuyan, learned Advocate for the appellants has filed an affidavit in an attempt to demonstrate that the appellants are not encroachers but legal settlers and have been residing in the houses constructed out of the government fund under some beneficial schemes. They have also been provided with all such facilities like water, electricity etc. under the Rural Employment Guarantee Programmes. Few of the allotment letters have also been brought on record, which pertain to some of the villages.

15. However, on a perusal of those allotment letters, it appears that those are for houses in villages which fall under Merapani Gaon Panchayat and not inside Page No.# 17/20 the reserved forest area.

16. The contention of Mr. Bhuyan is that the fact that the appellants are allottees under the government scheme presupposes that necessary verification would have been made by the government while taking the geotag photography of the land in question and hence, without a fresh demarcation of such villages from the reserved forest area, such eviction drive cannot be given effect to lock, stock and barrel.

17. True it is that government scheme would not have come into existence without proper verification. That, but does not explain or vindicate the claim of the appellants that they are not residing inside the reserved forest area and that the eviction notices are bad in law. Details of various services and benefits provided to the appellants have been enumerated in the affidavit but without any specific assertion that the houses in which they have been residing, are not within the demarcated reserved forest. On the contrary, a map has been brought on record by the State signifying a clear demarcation of the reserved forest land and the peripheral revenue lands of the area. Even assuming that some of the houses constructed out of the government fund were the residential places of the appellants but if they fall/fell in the reserved forest area, that need to be removed, which would have only been in consonance of the relevant rules and regulations with respect to the forest.

18. The learned counsel for the appellants thereafter, submitted that the appellants have been notified for being evicted, whereas other encroachers in the same area have not been disturbed, perhaps on account of their hailing from different community.

Page No.# 18/20

19. This argument has no legs to stand for the reason that there is no proof of such assertion and even if it were a fact, it would not justify the presence of the appellants in the reserved forest area; rather all encroachers will have to be evicted.

20. In this context, we would want the State to ensure that a proper check mechanism is put in place which would prevent any illegal entry in the reserved forest area. It could be by way of checking the entry points, putting barbed wires at porous borders and setting up of functional check posts. All these would become effective, if and only if the officers/persons managing such check posts do their

job honestly as also efficiently.

In all fitness of things, the State must come up with necessary regulation in that regard and if ever it is found that such illegal entry in the reserved forest area is because of collusion of forest officials, or other ministerial staff, necessary penal action should be initiated against them. In fact, if the State is serious about preserving the pristine forests/reserved forests of the State, it should come up with a regulation whereby even the officers and ministerial staff in the forest department would be held responsible for any unauthorised/illegal entry in such reserved forests. A periodical review of the situation would further help build an institutional mechanism for preventing such unauthorised entry into the reserved forest area. Constant surveillance in the reserved forest area would also be required to ensure that the encroachers do not again enter the reserved forests and spoil the ecological balance.

21. We would also like to observe that henceforth, if such drive is undertaken for clearing the reserved forest area of all encroachments and if it is found that there are some settlers, even though unauthorised, they ought to be given a Page No.# 19/20 reasonable period of time of 15 days, to explain under what circumstances they had set up their residence inside the reserved forest area where any non-forest activity or their presence attracts penal offence, and a further period of 15 days, for exiting the place on being asked to do so.

22. Notwithstanding the fact that no procedure has been delineated, it would be only in the interest of justice that a notice of 15 days and a further time of 15 days be given to such squatters/encroachers to leave the reserved forest area.

23. The learned Advocate General has raised no objection to such observation and submitted that efforts would be made to put such procedure in place for any future eviction drive.

24. However, this would not protect the encroachers from being prosecuted for the penal offence committed by them in carrying out non-forest activity in the reserved forest area under Regulation 24 and 25 of the Assam Forest Regulation, 1891.

25. Now, after having said so, we find that no good grounds have been raised by the appellants for us to interfere with the order of the learned Single Judge, who in his wisdom had passed an interim order on 29.07.2025 giving a bigger window to the appellants to vacate the forest area.

26. Thus, we also deem it appropriate to and close the writ petition, i.e. WP(C) 4257/2025 finally with the above observations.

27. In case the appellants have any other fresh or different cause of action, they may approach the Court for the needful.

Page No.# 20/20

28. We hereby clarify that we have already given an extended period to the appellants to make good their exit from the forest area. If the appellants do not leave the forest area within a further period of seven days, to be counted from today, the State would proceed against them for eviction.

Both these appeals stand disposed off accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant