

Select the following parts of
the judgment

Petitioner's
Arguments

Court's
Reasoning

Conclusion

For entire doc:

Unmark Mark



INTRODUCING PRISM
A SUITE OF LEGAL AI TOOLS BUILT UPON THE EXTENSIVE DATABASE OF INDIAN KANON.

NEW AVAILABLE FOR ALL PREMIUM MEMBERS.
SIGN UP FOR A FREE TRIAL

Sprache auswählen



[Cites 0, Cited by 0]

Gauhati High Court

Page No.# 1/12 vs The State Of Assam And
5 Ors on 27 January, 2026

Author: Soumitra Saikia

Bench: Soumitra Saikia

GAHC010007542026

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

Case No. : WP(C)/242/2025

SIDDIQUE ALI AND 78 ORS
C/O- HASEN ALI, VILL-BASUNDHARI, DIST- MORIGAON.

2: TAYYAD ALIAS TAYEB ALI
C/O- LATE KAJIMUDDIN.VILL-BHOGDUBA BILIPATIA, DIST- MORIGAON.

3: NUR UDDIN
C/O- LATE KAJIMUDDIN
VILL- DAHUTI HABI
DIST- MORIGAON.

4: BABUL HUSSAIN
C/O- LATE KAJAL ALI
VILL-BHOGDUBA
DIST- MORIGAON

5: MAZIBUR ALIAS MAJIBUR RAHMAN
C/O- ABED ALIAS LATE EABED ALI
VILL-SILBHETA ALIAS SHILABHETA
DIST- MORIGAON.

6: RAHIMA KHATUN
C/O- GIYACH UDDIN
VILL- MANIPURTOP
DIST- NAGAON.

7: JALAL UDIN ALIAS UDDIN
C/O- AR HAMID ALIAS ABDUL HAMID
VILL-BASUNDHARI
DIST- MORIGAON

8: SAHA ALI
C/O- HASEN ALI

Page No

VILL-BASUNDHARI
DIST- MORIGAON

9: MANAJUL ALIAS MAINUL HAQUE
C/O- LATE MIRAJ ALI
VILL-BHUGDUBA
DIST- MORIGAON

10: MARAM ALI
C/O- ISAMUDDIN ALIAS ISAM UDDIN
VILL-BASUNDHARI
DIST- MORIGAON.

11: MAHAMMAD ALI
C/O- INNAS ALI VILL-BHOGDOBA
DIST- MORIGAON

12: MOJINA KHATUN ALIAS MORJINA KHATUN
C/O- MAHABAT ALI
VILL-BASUNDHARI
DIST- MORIGAON

13: HEDAYAT ULLAH
C/O- HUSSAIN AHMED
VILL-BHUGDUBA
DIST- MORIGAON

14: NAZRUL ISLAM
C/O- ABDUL KADIR
VILL-MALAHU
DIST- MORIGAON.

15: MD HABI ULLAH
C/O- AKBAR ALI
VILL-BASUNDHARI
DIST- MORIGAON

16: AR MATIN ALIAS ABDUL MOTIN
C/O- MINRAJ ALIAS MIRAJ ALI
VILL-BHOGADUBA
DIST- MORIGAON

17: SAHED ALI
C/O- A KADIR ALIAS ABDUL KADIR
VILL- DAHUTI HABI
DIST- MORIGAON

18: A MUTALEB ALIAS ABDUL MUTALEB

C/O- KALU MIYA ALIAS MIA
VILL- BASUNDHARI
DIST- MORIGAON

19: RAHILA KHATUN
C/O- IBRAHIM ALI
VILL-DAHUTI HABI
DIST- MORIGAON.

20: AYAB ALI
C/O- SUBED ALI
VILL-BEHUGURI
DIST- MORIGAON

21: ATA BUDDIN ALIAS ATAB UDDIN
C/O- LATE AB KHALEK ALIAS ABDUL KHALEK
VILL-BASUNDHARI
DIST- MORIGAON

22: SHIRAJUL ISLAM
C/O- LUKMAN ALI
VILL-BASUNDHARI
DIST- MORIGAON

23: ABDUL MALEK ALIAS AMALEK
C/O- ABU CHAHED
VILL- DAHUTI HABI
DIST- MORIGAON

24: RAFIKUL ALAM
C/O- EYAKUB ALI
VILL-BASUNDHARI
DIST- MORIGAON

25: MAMUN HUSSAIN
C/O- ABDUL MATIN
VILL-BASUNDHARI
DIST- MORIGAON

26: SUKUR ALI
C/O- HASHAN ALIVILL-BASUNDHARIDIST- MORIGAON

27: RAFIQL ISLAM
C/O- MANNACH ALIVILL-BHUGDUBA HABIDIST- MORIGAON

28: RUFUL AMIN
C/O- AKBAR ALIVILL-BASUNDHARIDIST- MORIGAON

29: AJAHAR ALI
C/O- JAYNAL ABDIN ALIAS ABEDINVILL-BASUNDHARIDIST- MORIGAON

30: ABDUL KHALIL ALIAS A KHALIL
C/O- ABDUL RAHMAN ALIAS AR RAHMANVILL-BHUGDUBA HABIDIST- MORIGAON

31: ABDUL AJID
C/O- LATE LOKMAN ALIAS LOKAMAN ALIVILL-BASUNDHARIDIST- MORIGAON

32: MD ABDULLAH ALIAS ABDULLAH
C/O- ABDUL ALI ALIAS AR ALIVILL-BHUGDUBA HABIDIST- MORIGAON

33: JAHURA KHATUN
C/O- IDRICH ALIVILL-MATIPARBATDIST- MORIGAON

34: SAHANUR ALI
C/O- AMIR UDDINVILL-DAHUTI HABIDIST- MORIGAON.

35: MAJIBUR RAHMAN
C/O- LATE RAHMAT ALIAS RAHMAT ALIVILL-MULADHARIDIST- MORIGAON.

36: HURAMUJ ALI
C/O- ABDUL KHALILVILL-BASUNDHARIDIST- MORIGAON

37: FARUK ALI
C/O- NUR ISLAMVILL-NELLIE BARPAJAKDIST- MORIGAON

38: ABDUL GAFOR ALIAS GAFUR
C/O- AMIR UDDINVILL-DAHUTI HABIDIST- MORIGAON

39: SAIDUL ISLAM
C/O- AS SATTAR ALIAS ABDUL SATTARVILL-BORJALAHDIST- MORIGAON.

40: SAFIKUL ISLAM
C/O- ABDUL KADIRVILL-MALAHU NO. 2 PARTDIST- MORIGAON

41: TAIYUB ALIAS TAIYAB
C/O- ABDUL RASHIDVILL-BASUNDHARIDIST- MORIGAON

42: ISHA MUDDIN
C/O- AB JABBARVILL-BASUNDARIDIST- MORIGAON

43: FARUK HUSSAIN
C/O- AR REJAKVILL-BASUNDHARI.DIST- MORIGAON

44: ALAL UDDIN
C/O- MONAF ALIAS MONNUFVILL-BASUNDHARI.DIST- MORIGAON

45: HABIBUR RAHMAN
C/O-LATE ABDUL HASEN VILL-NELLIE BARPAYAKDIST- MORIGAON

46: JALAL UDDIN
C/O- AMIR UDDINVILL-DAHUTI HABIDIST- MORIGAON

47: MEHABUR RAHMAN
C/O- SAHAB UDDINVILL-BHUGDOBA HABIDIST- MORIGAON

48: ARJINA KHATUN
C/O- ABDUL MUTALIBVILL-BASUNDHARIDIST- MORIGAON

49: ABDUL RACHID
C/O- IMAN ALIVILL-NELLIEDIST- MORIGAON

50: MUKSIDUL HOQUE
C/O- NUR MIYAVILL-BAR JALAHDIST- MORIGAON

51: ILIAS
C/O- HASEN ALIVILL-BASUNDAHRIDIST- MORIGAON

52: APTAR ALI
C/O- CHABED ALIAS SUBED ALIVILL-BHEHAGURI DIST- MORIGAON

53: CHAIDUR RAHMAN
C/O- AJGAR ALIVILL-BHUGDUBADIST- MORIGAON

54: NUR ISLAM
C/O- LATE RAMAJAN ALIVILL-BASUNDHARIDIST- MORIGAON

55: ABDUL HASHIM
C/O- LATE CHAMACH UDDINVILL-NELLIEDIST- MORIGAON

56: ANJUMA BEGUM
C/O- ALAUDDIN ALIAS ALAL UDDINVILL-BASUNDHARIDIST- MORIGAON

57: NUR JAMAL
C/O- HACHMAT ALIVILL-BASUNDHARIDIST- MORIGAON.

58: ABDUL LATIF
C/O- KASEM ALIVILL-MATIPARBATDIST- MORIGAON

59: AKBAR ALI
C/O- HASMAT ALIVILL-BHOGADUBADIST- MORIGAON

60: SAIFUL ALIAS CHAIFUL ISLAM
C/O- ALI HUSSAINVILL-NELLIE BORPAYAKDIST- MORIGAON

61: ABDUR KALAM
C/O- FAJAR ALIVILL-NELLIEDIST- MORIGAON

62: JAYNAL UDDIN

C/O- HAJDAR ALIVILL-NELLIEDIST- MORIGAON

63: ARAB ALI

C/O- ICHAB ALIVILL-NELLIEDIST- MORIGAON

64: MAHAR ALIAS MOHOR ALI

C/O- MOHAMMAD HASMAT ALIVILL-DAHUTI HABIDIST- MORIGAON

65: AJIJUL HAQUE

C/O- JALAL UDDINVILL-BASUNDHARIDIST- MORIGAON

66: NUR HUSSAIN

C/O- JINNAT ALIVILL-BASUNDHARIDIST- MORIGAON

67: DILADAR ALIAS DILDAR HUSSAIN

C/O- JALAL UDDINVILL-BASUNDHARIDIST- MORIGAON

68: ISMAIL ALI

C/O- ABDUL RAHMANVILL-1 NO BARPAYAK
NELLIEDIST- MORIGAON

69: NABI HUSSAIN

C/O- A ALIAS ABDUL HASIMVILL-BHOGDUBA HABIDIST- MORIGAON

70: ABDUL HASIM

C/O- ABDUL AWALVILL-BASUNDHARIDIST- MORIGAON

71: NEKABAR ALI

C/O- HASMAT ALIVILL-BHOGDUBADIST- MORIGAON

72: DILDAR HUSSAIN

C/O- A ALIAS ABDUL CHUBAN ALIAS CHUBHANVILL-BASUNDHARIDIST- MORIGAON

73: TAJMUL HUSSAIN

C/O- AB ALIAS ABDUL HOQUEVILL-BASUNDHARIDIST- MORIGAON

74: FARIDUL ISLAM

C/O- ABDUL BAREKVILL-DOHUTI HABIDIST- MORIGAON.

75: CHAIDUL RAHMAN

C/O- AR REJARVILL-BHOGADUBADIST- MORIGAON

76: ABDUL CHAMAD ALIAS AR CHAMAD

C/O- LATE NACHAR ALIVILL-NELLIEDIST- MORIGAON

77: ANARUL HUSSAIN

C/O- LATE ABUNACHAR ALIAS ABU NACHAR ALIVILL-BASUNDHARIDIST- MORIGAON

78: AMIR UDDIN

C/O- LATE HAMED ALIVILL-DAHUTI HABIDIST- MORIGAON

79: IBRAHIM ALI

C/O- HAJRAT ALIAS HAJARAT ALIVILL-BASUNDHARIDIST- MORIGAON

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE COMMISSIONER
GOVERNMENT OF ASSAM, REVENUE DISASTER
DEPARTMENT, JANATA BHAWAN ASSAM SECRETARIAT,
DISPUR, GUWAHATI- 781006

2: DISTRICT COMMISSIONER
MORIGAON
ASSAM

3:CO-DISTRICT COMMISSIONER
MAYANG
ASSAM

4:CIRCLE OFFICER

MORIGAON REVENUE CIRCLE

5:THE SUPERINTENDENT OF POLICE
MORIGAON POLICE STATION

6:THE OFFICER IN CHARGE
JAGIROAD POLICE STATIO

Advocate for the Petitioner : MR. A R BHUYAN, M

Advocate for the Respondent : GA, ASSAM, SC, REVI

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA

ORDER

27.01.2026 Heard Mr. A.R. Bhuyan, learned counsel for the petitioners. Also heard Mr. N. Das, learned Government Advocate for the respondents.

2. These petitioners before this Court claimed to be residents of the locality mentioned in the cause title of the writ petition in the district of Morigaon. According to the petitioners, they have been residing in the village of Morigaon and Dahuti Habi revenue village under the Uttar Khula Mouza in the district of Morigaon for last several years. It is the claim of the petitioners that, by virtue of and on the strength of documents, such as the deed of Power of Attorney, Agreement of Land Sale, Deed of Sale, Bayana agreement, etc., the petitioners have purchased these lands and they claimed to be occupants of the said lands. There is a specific averment made in the paragraph No.2 that they are not the owners of the said lands and they do not have any ownership right. They have been permitted by the original pattadars to act and reside over the said lands in which they are enjoying occupation by virtue of the power of attorney and other documents. The petitioners are aggrieved by notices issued by the Circle Officer, Morigaon Revenue Circle on 29.12.2025, whereby the petitioners were informed that on preliminary spot investigation it was revealed that they were illegally occupying the lands in the tribal sector in violation of sections 163 & 164. In terms of clause 9 of the judgment rendered by the Gauhati High Court in PIL 74 of 2012 (subsequently corrected as PIL 78 of 2012), the notices were issued to the petitioners and they were called upon to submit the required documents Page No.# 9/12 and proofs for asserting their lands rights in the tribal

sector within the next 15 days. Upon failure to adhere to the notice, the lands shall be removed or cleared of the people within one month from the date of receipt of the notice. The schedule described in the notice reflected that it is in respect of Dag No.160, Patta No-Myadi 45, Village Dahuti Habi, Mouza Uttarkhula, Morigaon, Revenue Circle. The petitioners immediately upon being served with the notice(s) submitted their representations supported by necessary documents which they claimed to be available with them. However, since no specific orders have been passed, petitioners became apprehensive and approached this Court by filing the present writ petition. By the present writ petition, the petitioners prayed for setting aside of the impugned eviction notice(s) dated 29.12.2025 and sought for a direction to the respondents not to carry out the eviction or demolition of any permanent or temporary structure and/or to carry out eviction or demolition exercises against the petitioners without following the due process of law and further directions to the respondents and also not to disturb the petitioners from enjoying their rights to stay on the said lands by virtue of documents and deeds and also strictly abide by the directions contained in the order dated 03.02.2020 passed by the Apex Court in SLA(C) No. 2121/2020.

3. This Court by order dated 19.01.2026 directed the State authorities to obtain necessary instructions from the respondent authorities. The matter was fixed today.

4. Mr. N. Das, learned Government Advocate has appeared before this Court and has submitted that he has received the instructions furnished by the department and in terms of the said instructions out of the 79 petitioners 48 of Page No.# 10/12 them had filed their representations or replies on the notices which are presently under consideration by the concerned Officer and the hearing on these representations are scheduled to be conducted before initiation of the eviction drive.

5. Mr. N. Das, therefore, submits that the apprehension expressed by the writ petitioners are misplaced and as on date the department is contemplating to examine those representations and replies submitted by the petitioners in terms of the claims and rights in response to the eviction notices served on 29.12.2025 and until such hearing is conducted the authorities will not proceed for eviction of the writ petitioners.

6. Mr. A.R. Bhuyan, learned counsel for the petitioners on the other hand submits that the authorities are not only required to conduct proper hearing, they are also required to adhere to the directions issued by the Apex

Court by the order dated 03.02.2020 in SLA(C) No.2121/2020 and if such a hearing is conducted, then a speaking order must be passed and served on the petitioners before any such action is contemplated.

7. Having heard the learned counsel for the parties and upon perusal of the pleadings available before the Court and in the face of the instructions received by the State, this Court is of the considered opinion that the writ petition need not be kept pending and the same can be disposed of with the following directions.

8. The Deputy Commissioner/District Commission, Morigaon, namely Page No.# 11/12 respondent No.2 will conduct the hearing in respect of the representations and replies filed by the petitioners individually. The respondent No.2 will examine each and every cases individually and thereafter pass a detailed speaking order and also ensure that the said speaking order be served on each of the individuals and thereupon, if the Deputy Commissioner/District Commissioner is of the view that the petitioners are illegally occupying the lands which are falling within the identified tribal belt, then the proper procedure prescribed under law is to be undertaken for carrying out the process of eviction if permitted under law. While conducting the hearing, the Deputy Commissioner/District Commissioner, Morigaon will adhere to the directions passed by the Apex Court in the order dated 03.02.2020 in SLA(C) No.2121/2020. By the said order, the Apex Court directed that the Deputy Commissioner/District Commissioner must examine the claims of each occupants on case to case basis and thereafter, if the order is found to be adverse to the petitioners, then a reasonable time must be given to the occupants to take recourse for appropriate remedy as permissible under the law.

9. Accordingly, the Deputy Commissioner/District Commissioner will now proceed to hear each and every individual on the basis of the documents and the replies filed by the petitioners and conduct the necessary hearing on a case to case basis. Since the petitioners are also represented before this Court, individual notices for the hearing contemplated need not be issued. The petitioners or their representatives will appear before the Deputy Commissioner on 09.02.2026 and thereafter, the Deputy Commissioner/District Commissioner will proceed to hear each and every matters and thereafter, pass speaking orders if need be on individual basis. The petitioners would be given opportunity Page No.# 12/12 adequate of being heard and the entire hearing should be completed within a period of 30 days from 09.02.2026 and thereafter pass effective orders. If in

the event, the Deputy Commissioner/District Commissioner is of the view that the hearing cannot be completed within the time frame specified by this Court, then the same must be completed within another extended period of 15 (fifteen) days thereafter. Till such a hearing is conducted, the Revenue Authorities will not proceed to evict the petitioners from the said lands in terms of the notice dated 29.12.2025.

10. The copy of the instructions received by the learned Government Advocate, which placed before the Court is kept in the case record.

11. This writ petition accordingly, stands disposed of in terms of the above.

12. A copy of this order be marked to the Office of the Senior Government Advocate Assam for onward communications.

JUDGE Comparing Assistant