

GAHC010045442017



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

Case No. : WP(C)/6408/2017

AFTAB UDDIN and 11 ORS.
S/O LATE MASUR ALI

2: ASIK ALI
D/O LATE BARIK ALI

3: HALIMA BIBI
W/O ABDUR RAHMAN

4: SAJALA BEGUM
W/O BABUL UDDIN

5: FORIZUN BEGUM
W/O RAJIB UDDIN

6: ANAR ALI
S/O NIMAR ALI

7: SAFATUN NESSA
W/O ROIS ALI

8: JAHIRUL ALOM
S/O JAMAL UDDIN

9: KAJOLA BEGUM
W/O ASAB UDDIN

10: MOINUL HOQUE
S/O MONIR UDDIN

11: ARIF UDDIN
S/O SAFIK UDDIN

12: AZIDA KHANAM

W/O KAMRUL ISLAM MAZUMDER ALL ARE RESIDENTS OF VILLAGE-
RAJGHAT
PO- BHAGABAZAR
PS- DHOLAI
DIST. CACHAR
ASSAM
PIN-78812

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
REVENUE SETTLEMENT DEPTT., DISPUR, GUWAHATI-6

2:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI-32

3:THE DEPUTY COMMISSIONER
LAND SETTLEMENT BRANCH CACHAR
PO-SILCHAR
DIST. CACHAR ASSAM
PIN-788001

4:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE BRANCH
CACHAR
PO- SILCHAR
DIST. CHACHAR ASSAM
PIN-788001

5:THE CIRCLE OFFICER
SONAI REVENUE CIRCLE
PO- SILCHAR
DIST. CACHAR
ASSAM
PIN-788119

6:THE ASSISTANT SETTLEMENT OFFICER
SONAI REVENUE CIRCLE
PO- SILCHAR
DIST. CACHAR ASSAM
PIN-78811

For the Petitioner(s)

: Mr. A. H. M. R. Choudhury, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. Government Advocate
: Ms. N. Bordoloi, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 21.12.2023

1. The instant writ petition has been filed challenging the notice issued under the Regulation 18(2) of the Assam Land and Revenue Regulation, 1886 by the Circle Officer, Sonai Revenue Circle, Sonai, Cachar asking the Petitioners to vacate the VGR lands measuring 34 Bighas under Dag No. 478/465 Mouza Rajghat Pargona Davidsonabad under Sonai Revenue Circle in the District of Cachar.
2. The Case of the Petitioners is that the Petitioners as well as the predecessor in interest of the Petitioners have been residing for the last 40-45 years in the said land and as such they are landless people for which the Petitioners should not be evicted in terms with the said notice.
3. This Court have also perused the affidavit-in-opposition filed on 04.12.2023 wherein it has been mentioned that the lands in question are VGR lands and as such in order to free the VGR lands, the said notice was issued. The said action on the part of the Respondent Authorities is in accordance with the provisions of Rule 18(2) of the Settlement Rules under the Assam Land and Revenue Regulation, 1886 and further is in consonance with the judgment of the Supreme Court ***Jagpal Singh and Others Vs. State of Punjab and others reported in (2011) 11 SCC 396.*** Under such circumstances, this Court finds no ground to interfere with the notice which has been issued to the Petitioners. The

Respondent Authorities therefore shall be at liberty to take such action as deemed fit in accordance with law.

4. With above observations and directions, the instant writ petition stands disposed of.

5. Before parting with the records, this Court however observes that the Petitioners herein would be at liberty to file appropriate application in terms with the Land Policy, 2019, if they are eligible in terms with the said Land Policy seeking allotment of other lands.

6. These observations however shall not affect the rights of the Respondent Authorities to take such action in terms with the impugned notice.

7. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant