

GAHC010089822022



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

Case No. : WP(C)/3192/2022

NAJMUL HOQUE AND 12 ORS.

S/O- JABBAR ALI, R/O- VILLAGE- KHORAGAON PART-I, P.O.
CHALANTAPARA, P.S. ABHAYAPURI, DIST.- BONGAIGAON, ASSAM, PIN-
783388.

2: ISLAM HOQUE

S/O- LATE JORIFULLAH
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

3: SORIFUL HOQUE

S/O- SOHRAB ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

4: SAMIR HUSSAIN

S/O- MOZIBUR ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

5: TOHIDUL ISLAM

S/O- MOYEZ UDDIN

VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

6: REGINA BEGUM
W/O- LATE ADI HUSSAIN
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

7: MOZIDA KHATUN
W/O- JAMALUDDIN
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

8: NOSIBUL ALI
S/O- GOLAM ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

9: ZAMALUDDIN
S/O TOYAB ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

10: MOLINA KHATUN
W/O- MOYEZ UDDIN
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI

DIST.- BONGAIGAON
ASSAM
PIN- 783388.

11: ISIMJAN BEWA
W/O- SADEK ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

12: ROFIQUL ISLAM
S/O- ISLAM HOQUE
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388.

13: MAMTAJ BEGUM
D/O- KHADIM ALI
VILLAGE- KHORAGAON PART-I
P.O. CHALANTAPARA
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783388

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PWD (BLDG) DIV., DISPUR, GUWAHATI-6.

2:THE CHIEF ENGINEER PWD (BLDG) DIVISION
CHANDMARI
GHY.-3.

3:EXECUTIVE ENGINEER
PWD(BLDG) DIVISION
BONGAIGAON
ASSAM
PIN- 783380.

4:DEPUTY COMMISSIONER

BONGAIOGAON
P.O. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

5:CIRCLE OFFICER
SRIJANGRAM REVENUE CIRCLE
P.O.- ABHAYAPURI
DIST.- BONGAIGAON
ASSAM
PIN- 783384.

6:RUDRA KUMAR PATHAK
S/O- LT. BHUMIDHAR PATHAK
ABHAYAPURI
WARD NO. 3
P.O. AND P.S. ABHAYAPURI
DIST- BONGAIGAON
ASSAM
PIN- 783384.

7:ANOWAR HUSSAIN
S/O- HAFEZUDDIN HUSSAIN
VILL- KHORAGAON PART-I
P.O.- CHALANTAPARA
DIST- BONGAIGAON
PIN- 783388
ASSAM.

8:NURUL HUSSAIN
S/O- ANOWAR HUSSAIN
VILL- KHORAGAON PART-I
P.O.- CHALANTAPARA
DIST- BONGAIGAON
PIN- 783388
ASSAM.

9:KUTUB ALI
S/O- MIZAUDDIN ALI
VILL- KHORAGAON PART-I
P.O.- CHALANTAPARA
DIST- BONGAIGAON
PIN- 783388
ASSAM.

10:THE REVENUE AND DISASTER MANAGEMENT DEPARTMENT OF THE
STATE
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF

ASSAM

Advocate for the Petitioner : MR H SARMA

Advocate for the Respondent : SC, P W D

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

25.08.2023

Heard Mr. M. Rana, learned counsel for the petitioners. Also heard Mr. P. Nayak, learned Standing Counsel, PWD, Assam appearing for the respondent Nos.1, 2 and 3 and Ms. S. Sarma, learned Govt. Advocate, Assam appearing for the respondent Nos.4 and 5. Mr. A. Das, learned counsel for the respondent No.6 and Mr. M. A. I. Hussain, learned counsel for the respondent Nos.7, 8 and 9 are also present.

The writ petitioners herein admittedly were in occupation of sarkari land. Aggrieved by their eviction from the said plot of land without issuing any prior notice, the petitioners have approached this Court by filing the instant writ petition.

Ms. Sarma, learned Govt. Advocate, Assam submits that the petitioners were encroachers upon sarkari land which plot was required for construction of a model residential school and therefore, they do not have any right that can be enforced in this writ petition. Similar is the submission of the learned counsel appearing for the other respondents.

Mr. Nayak, learned Standing Counsel, PWD submits that after evicting the petitioners from the land, the construction of the model residential school has already been carried out and the said construction is nearing completion.

Therefore, nothing survives for adjudication in this writ petition at this point of time.

Mr. Rana, learned counsel for the petitioners has also fairly submitted that construction over the land is almost complete but his grievance is pertaining to the manner in which his clients were evicted from the land without issuing any prior notice.

Whether prior notice was called for before evicting encroachers on sarkari land, in the face of the admission made by the petitioners' counsel, is debatable. Be that as it may, since the petitioners have already been evicted and the construction of the school building has already been raised over the sarkari land is almost complete, this Court is of the opinion that there is no real issue that calls for adjudication by this Court in this proceeding at this point of time. This writ petition is, therefore, closed.

JUDGE

Comparing Assistant