

GAHC010112832015



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

Case No. : WP(C)/23/2015

TETLIRTOL UNNAYAN SAMITI and 12 ORS
REP. HEREIN BY ITS PRESIDENT MD. MONOWAR HUSSAIN HAVING ITS
OFFICE AT VILLAGE TETELIRTOL, MOUZA- JANIA DIST. BARPETA,
ASSAM.

2: MONOWAR HUSSAIN
S/O MD. SANU KHAN R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

3: BAHAZ UDDIN
S/O NAYEJ UDDIN R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

4: ABBAS ALI
S/O IMAM ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

5: ABDUL MAZID
S/O ABDUL GONI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

6: JAHIDUL ISLAM
S/O MANDAJ ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

7: BASER ALI
S/O BAHAJ UDDIN R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

8: UHAR ALI
S/O IMAM ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

9: IDRISH ALI
S/O AANJU MIA R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

10: RAIMAN NESSA
C/O KANTU SIKDAR R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

11: ABJAL KHAN
S/O USMAN ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

12: ABDUL KHALEQUE
S/O RUSTAM ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM.

13: RASEDA BEGUM
W/O RAMJAN ALI R/O VILL- TETLIRTAL
MOUZA- JANIA DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE REHABILITATION AND DISASTER MANAGEMENT
DEPARTMENT, SACHIVALAYA, GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER

BARPETA DISTRICT
BARPETA
ASSAM.

3:ADDITIONAL DEPUTY
COMMISSIONER
BARPETA
DIST. BARPETA

ASSAM.

4:THE CIRCLE OFFICER

BAGHBAR REVENUE CIRCLE
BAGHBAR DIST. BARPETA
ASSAM

For the Petitioner (s) : Mr. B.D. Goswami, Advocate.

Mr. J.M. Gogoi, Advocate.

For the Respondent (s) : Mr. N. Goswami, Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

06.11.2023

The instant writ petition has been filed by 13 Petitioners being aggrieved by the notices issued to evict the Petitioner Nos. 2 to 13 by the Circle Officer, Baghbar Revenue Circle dated 30.12.2014 in respect to Encroachment Case No. 4/2006-07.

2. It is the case of the Petitioners herein that the Petitioners are river erosion affected persons and they are entitled to settlement over the land under their possession and as such the Petitioners have approached this Court challenging the said notices.

3. Mr. N. Goswami, the learned counsel appearing on behalf of the Respondent Nos. 2, 3 & 4 submits that as per the Government Land Policy of 2019 as well as also the judgment of the Supreme Court in the case of **Jagpal Singh vs. State of Punjab** reported in (2011) 11

SCC 396, the question of settlement of the Petitioners over the said lands does not arise inasmuch as those lands have been specifically earmarked as village grazing reserve.

4. Mr. B.D. Goswami, the learned counsel appearing on behalf of the Petitioners submits that although the Petitioners may not have a right to get the settlement over the lands presently under their possession in view of the well settled principles of law laid down in the case of **Jagpal Singh** (supra), but the Petitioners being erosion affected persons are entitled to settlement of Govt. waste lands, to which the Petitioners may be given the liberty to file individual applications within a stipulated time and the Petitioners should not be disturbed till such applications are disposed of.

5. After hearing the learned counsels for the parties, this Court is of the opinion that the question of interference with the notices impugned in the instant proceedings does not arise inasmuch as the Petitioners herein have no right to remain in possession or even get settlement of the lands which have been specifically earmarked for village grazing reserve. Be that as it may, the materials on record clearly show that the Petitioners are erosion affected persons and as such would be entitled as per Government Land Policy of 2019 for seeking allotment/settlement of Government waste lands provided they meet the eligibility.

6. Accordingly, this Court therefore disposes of the instant writ petition thereby granting liberty to the Petitioners herein to file individual

applications before the District Commissioner, Barpeta within 30 days from the date of the instant order as per the provisions of the Government Land Policy of 2019. The Respondent Authorities as well as the Revenue Department of the Government of Assam shall duly consider such applications as per the extant Land Policy. It is further made clear that till the said applications are not disposed, the Respondent Authorities shall not disturb the possession of the Petitioners over the lands in question.

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

JUDGE

Comparing Assistant