

GAHC010191312023



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

Case No. : WP(C)/4953/2023

MAJIBAR RAHMAN AND 87 ORS
S/O- HASEN ALI, RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA
BAZAR, P.S- TAMULPUR. DIST- BAKSA, ASSAM

2: MUSTT ANOWARA BEGUM
W/O- MATI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

3: HASEN ALI
S/O- THANDU ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

4: JUNALI BASUMATARY
W/O- SANJIT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

5: JAHURA KHATUN
W/O- MALBAKSA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

6: KURBAN ALI
S/O- MOINUDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

7: GAFUR ALI
S/O- KIYAMAT ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

8: ISMAIL ALI
S/O- ABDUL MANNAN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

9: AINAL ALI
S/O- LALKU ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

10: JAKIR HUSSAIN
S/O- SATTAR ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

11: MOTHALECH ALI
S/O- KAMAL
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

12: AHAJAR ALI @ AZAHAR ALI
S/O- KAMAL
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

13: AJID ALI
S/O- ABDUL KASHEM MIYA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

14: THANDU ALI
S/O- NIJAMUDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

15: CHULTAN ALI
S/O- SATTAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

16: IMRAN ALI
S/O- RAKMAN ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

17: JAHIR ALI
S/O- AHAMMAD
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

18: SUMED ALI
S/O- DERAJ
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

19: MUKUL CHANDRA DEY
S/O- RAJENDRA KUMAR DEY
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

20: MUSLIM ALI
S/O- HABIBAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

21: BADCHAH ALI
S/O- NABA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

22: TOTA ALI
S/O- NALKU ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

23: GOLAPI BEGUM
W/O- KIYAMAT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

24: PURNA BAHADUR BISWAKARMA
S/O- MAN BAHADUR BISWAKARMA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

25: SHAN MIYA
S/O- DUDU
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

26: JAMIRAN NECHA
W/O- AHAMMAD
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

27: SAKUR LOHAR
S/O- MACHALU
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

28: NURJAHAN BEGUM
W/O- ICHAB
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

29: AMELA KHATUN
W/O- RAKMAN ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

30: TOTA ALI
S/O- KIYAMAT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

31: SAHID ALI
S/O- JAMEDHAR ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

32: ADHIR SARKAR
S/O- AKSHYA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

33: JAHURA BEGUM
W/O- KIYAMAT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

34: ABACHAR ALI
S/O- KIYAMAT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

35: HASEM ALI
S/O- ABDUL SHAMAD
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

36: JANAKI HAJANG
W/O- BINAY
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

37: SAFIK ALI
S/O- INNUS ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

38: JAYANTI KALITA
W/O- KANU RAM
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

39: MANIKA SAH
W/O- HARI SHANKAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

40: SAMARAJAN BEGUM
W/O- ABDUL MATALEB
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

41: ALEKA BIBI
W/O- MIYA HUSSAIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

42: SATYA DUTTA
S/O- KAMALA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

43: KALU ALI
S/O- RIYAJ UDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

44: EABADAT ALI
S/O- SEBAO
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

45: ABDUR RAHMAN
S/O- RAIJ UDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

46: JAHIR ABBASH
S/O- ABDUR RAHMAN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

47: SULTAN ALI
S/O- KUDDUS ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

48: KAJIMUDDIN
S/O- OAMAR ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

49: ABDUL JALIL
S/O- ABDUL LATIF
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

50: MUKSHED ALI
S/O- CHABIRUDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

51: FAJAR ALI
S/O- KADER
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

52: ARFAN ALI
S/O- RAHIZUDDIN MIYA
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

53: JALAL UDDIN
S/O- ABUBAKKAR SIDDIQUE
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

54: AMIR ALI
S/O- ATAR ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

55: JAKIR HUSSAIN
S/O- KAJIMUDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

56: LALU ALI
S/O- SONABAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

57: ASIYA BEGUM
W/O- SONABAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

58: NEKBAR ALI
S/O- RAHAM ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

59: ACHA KHATUN
W/O- ATAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

60: MAJUM ALI
S/O- ABDUL RASMAN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

61: HASMAT ALI
S/O- HANIF ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

62: RABIA BIBI
W/O- HANIF ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

63: SOHRAB ALI
S/O- JALAL UDDIN ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

64: JAHIRA BEGUM
W/O- RAHAM ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

65: GARI BULLA ALI
S/O- ABDUL LATIF
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

66: NAYEB ALI
S/O- CHATTAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

67: FAJAL ALI
S/O- MANIRUDDIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

68: SUKKUR ALI
S/O- KOLIMUDDIN ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

69: JAHURA KHATUN
W/O- AKBAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

70: GULBANU KHATUN
W/O- JUL HAS ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

71: ABDUL MAJID
S/O- NACHKAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

72: FAJAL ALI
S/O- MANGAL
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

73: BACHIR ALI
S/O- HACHEN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

74: SAHAJAHAN ALI
S/O- JAYNAL
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

75: MAYNAL ALI
S/O- MANGAL ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

76: SOMELA BEGUM
D/O- ABUL HUSSAIN
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

77: AJMAL ALI
S/O- NASKAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

78: ALALUDDIN
S/O- JABBAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

79: REJIA BEGUM
W/O- IBRAHIM ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

80: ABUL HUSSAIN
S/O- BOSU ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

81: SALEHA BEGUM
W/O- MANNAF ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

82: KASHEM ALI
S/O- HAMIF ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

83: HAJRAT ALI
S/O- HANIF ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

84: HUCHEIN ALI
S/O- ATAR
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

85: FADDUS ALI
S/O- KERAMAT
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

86: MUBARAK ALI
S/O- CHAHED ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

87: RAMJAN ALI
S/O- SAHEB ALI
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSAM

88: BILIAM KIRO
S/O- KARMA KIRO
RESIDENT OF VILLAGE- N.K. DARRANGA P.O.- MELA BAZAR
P.S- TAMULPUR. DIST- BAKSA
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY CHIEF THE SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF REVENUE
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF FOREST
DISPUR
GUWAHATI-6

4:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
TERRITORIAL COUNCIL SECRETARIAT
KOKRAJHAR
BTR
ASSAM.

5:THE DEPUTY COMMISSIONER
BAKSA
MUSLHAPUR
BTR
ASSAM.

6:THE DIVISIONAL FOREST OFFICER
BAKSA FOREST DIVISION
MUSHALPUR
BTR
ASSAM PIN- 781377

7:THE CIRCLE OFFICER
TAMULPUR
BAKSA
ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 21-09-2023

Heard Mr. J.I. Borbhuiya, learned counsel for the writ petitioners. Also heard Mr. P.N. Goswami, learned Addl. Advocate General, Assam assisted by Mr. S. Rabha, learned standing counsel, BTC and Ms. N. Bordoloi, learned standing counsel, Revenue & DM Department, Assam appearing for the official respondents.

On 19-09-2023, this Court had passed the following order after taking note of the contentions of the learned counsel for both the sides:-

“Heard Mr. J.I. Barbhuiya, learned counsel for the writ petitioners. Also heard Mr. P.N. Goswami, learned Additional Advocate General, Assam, appearing for the official respondents along with Mr. S. Rabha, learned Standing Counsel, BTC and Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam.

The petitioners herein, numbering 88 in total, have approached this Court by filing the instant writ petition apprehending eviction from the land under their occupation. According to the respondents, the petitioners are in occupation of Daranga Reserve Forest land situated in Baksa district. However, the petitioners have disputed the said assertion by contending that the land falls within the N.C. Daranga revenue village and therefore, is not forest land.

Taking note of the above controversy, the learned Single Judge had earlier passed order dated 16/08/2023 in WP(C) 4395/2023 instituted by the present petitioners, directing field verification to be carried out by the departmental authorities in presence of the petitioner No.1, who was to represent the other petitioners. Accordingly, field verification has been carried out and report has been submitted, annexed to the counter affidavit filed by the respondent No. 7, so as to reaffirm that the land in question falls within the Daranga Reserve Forest. The learned counsel for the petitioners has, however, assailed the said report inter alia contending that the authorities have not followed proper procedure of field verification by using the latest technology in the form of geodetic coordinate system.

Be that as it may, the petitioners have not denied the fact that they are in occupation of "sarkari land".

If that be so, this Court is of the prima facie opinion that the writ petitioners cannot resist any move by the Revenue Authorities to evict them from the land, even assuming that the same is not situated in a reserve forest. Therefore, the only question that would arise in the present writ petition is as to whether, some time can be granted to the petitioners to vacate the land by themselves and if so, what alternative arrangement could be made by the respondents for rehabilitation of the petitioners by affording them the basic amenities including food, water and shelter, until such time, their request for allotment of land is duly considered by the authorities, in accordance with law.

Mr. Goswami, learned AAG, Assam, seeks time till 21/09/2023 to come up with concrete proposal in this regard by drawing support from the earlier order passed by this Court.

List this case again on 21/09/2023.

The learned AAG to circulate copies of the earlier decision of this Court sought to be relied upon and also proposal for rehabilitation with the petitioners' counsel, by tomorrow i.e. 20/09/2023."

There is nothing brought on record to take a view different from the views expressed by this Court, as reflected, in the order dated 19-09-2023.

Today when the matter is called up, Mr. Goswami submits on instruction from the

highest authority in the State that if the petitioners vacate the land on their own and within the time permitted by the Court, then the State respondents will provide necessary food, water and shelter along with other basic amenities to the petitioners and their family members for a period of 03 months, by which time, their applications for allotment of land, if any, would also be considered by the competent authority and a decision will be taken in terms of the Land Policy of the State.

Mr. Borbhuiya, at this stage, submits that some time be given to the petitioners to vacate the land on their own by removing their belongings and also for filing individual applications for allotment of land.

Since Mr. Goswami has given a categorical assurance to this Court that the basic amenities including food, water and shelter will be provided to the petitioners if they voluntarily vacate the Govt. land under their possession, it would not be necessary for this Court to enter into adjudication as to the validity of the procedure adopted by the respondents for getting vacant possession of the land or on the question as to whether, the land under occupation of the petitioners falls within the "reserve forest" or is it a "sarkari land" located within revenue village. The fact remains that the petitioners are admittedly encroachers upon "sarkari land"/ "forest land" and therefore, viewed from any angle, they are bound to vacate the land if the same is required by the State.

As such, taking note of the submissions of learned counsel for both the sides, this writ petition is being disposed of at the stage of motion hearing by providing 03 months time to the writ petitioners w.e.f. today, to vacate the respective land under their occupation, by removing their belongings there-from.

In the meantime, the petitioners may submit applications for allotment of land as per the Land Policy.

If the petitioners fail to vacate the land within 03 months, as permitted by this Court, it will be open for the respondent authorities to proceed against them without serving any further notice.

The respondents shall intimate the petitioners, atleast 30 days in advance, as to the arrangements made for food, water and shelter/ rehabilitation of the petitioners and their family members as per the observations made hereinabove.

It is also made clear that until such time the applications for allotment of land, if any, made by the writ petitioners is considered individually and a decision is taken in the matter in accordance with law, the respondents shall continue to provide shelter and other basic amenities to the petitioners, which are of befitting human standard.

With the above observation, this writ petition stands disposed of.

JUDGE

GS

Comparing Assistant