

GAHC010029472023



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

**Case No. : WP(C)/790/2023**

OMAR ALI  
SON OF LATE ABDUL JABBAR,  
VILLAGE- GANESH TAPU,  
P.S.- JURIA, SUB-DIVISION NAGAON,  
DISTRICT- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF ASSAM,  
DISPUR, GUWAHATI, ASSAM-06.

2:THE COMMISSIONER AND SECRETARY  
GENERAL ADMINISTRATION DEPARTMENT  
GOVT. OF ASSAM  
DISPUR  
GUWAHATI  
ASSAM-06.

3:THE COMMISSIONER AND SECRETARY OF THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM-06.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST FORCE  
ASSAM  
ENVIRONMENT AND FOREST DEPARTMENT  
ARANYA BHAWAN  
PANJABARI ROAD  
GUWAHATI  
ASSAM

PIN- 781037.

5:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT  
F BLOCK  
1ST FLOOR  
ASSAM SECRETARIAT (CIVIL)  
DISPUR  
GUWAHATI-06.

6:THE DEPUTY COMMISSIONER  
NAGAON  
P.O.- NAGAON  
DIST.- NAGAON  
ASSAM  
PIN- 782001.

7:THE DIVISIONAL FOREST OFFICER  
NAGAON WILDLIFE SUB-DIVISION AND DEPUTY DIRECTOR

KAZIRANGA TIGER PROJECT  
KATIMARI  
NAGAON  
ASSAM  
PIN- 782002

**For the petitioner (s) : Mr. S. K. Chakma, Advocate**

For the respondent (s) : Mr. D. Gogoi, SC, Forest Deptt.  
Mr. S. Dutta, SC, Revenue Deptt.

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
ORDER

31.07.2024

Heard Mr. S. K. Chakma, the learned counsel appearing on behalf of the petitioner and Mr. D. Gogoi, the learned counsel appearing on behalf of the Forest Department of the Government of Assam as well as Mr. S. Dutta, the learned counsel appearing on behalf of the Revenue Department of the Government of Assam.

2. It is seen that the petitioner herein has assailed the notice issued by the Divisional Forest Officer, Nagaon Wildlife Sub-Division as well as the Deputy Director, Kaziranga Tiger Project, Katimari, Nagaon, Assam whereby notices were issued to the petitioners for eviction from the land under their possession. It has been submitted at the bar that the eviction proceedings have already been carried out and the petitioners have already been evicted.

3. The learned counsel appearing on behalf of the petitioner submits that the petitioner therefore ought to be rehabilitated by the respondent authorities. No policy however is seen that in case of eviction being carried out from the forest land, the respondent authorities would rehabilitate the petitioner, and as such, the question of the petitioner having legitimate expectation for consideration does not arise.

4. Be that as it may, if the petitioners are indigenous people of the State of Assam, the petitioners are always be at liberty to apply for allotment/settlement of land in accordance with the Land Policy of 2019.

5. Under such circumstances, the petitioner, if so advised would be at liberty to apply in terms of the Land Policy of 2019.

6. In view of the above, the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**