

GAHC010030632023



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

Case No. : WP(C)/823/2023

HABEZUDDIN AND 3 ORS.

S/O- LATE ASHIMUDDIN,

R/O- VILLAGE GANESHTAPO CHAPORI (BORACHAPORI), P.S- JURIA, DIST-
NAGAON, ASSAM

2: SURAB ALI

S/O- ALALUDDIN

R/O- VILLAGE ARIMARI CHAR (BORACHAPORI)

P.S- LAOKHOWACHAPORI DIST- SONITPUR ASSAM

3: HAREZ ALI

S/O- LATE AMSOR ALI

R/O- VILLAGE SHILAI CHAR (BORACHAPORI)

P.S- LAOKHOWACHAPORI

DIST- SONITPUR ASSAM

4: LIYAKAT ALI

S/O- LATE AMSOR ALI

R/O- VILLAGE SHILAI CHAR (BORACHAPORI)

P.S- LAOKHOWA CHAPORI

DIST- SONITPUR

ASSA

VERSUS

THE STATE OF ASSAM AND 7 ORS.

REPRESENTED BY THE CHIEF SECRETARY, TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI- 781006, ASSAM.

2: THE COMMISSIONER AND SECRETARY

GENERAL ADMINISTRATION DEPARTMENT

GOVT. OF ASSAM

ASSAM DISPUR-781006

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
ENVIRONMRNT AND FOREST DEPARTMENT
ASSAM
DISPUR
GUWAHATI-781006

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 - 782002.

7:THE DEPUTY COMMISSIONER
SONITPUR
P.O.-TEZPUR
DIST.- SONITPUR
ASSAM
PIN - 784001

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

KAZIRANGA TIGER PROJECT
KATIMARI
NAGAON
ASSAM
PIN- 782002

Advocate for the Petitioner : MS. D GHOSH

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 08.04.2024

Mr. S.K. Chakma, learned counsel for the petitioners. Also heard Mr. I. Borthakur, learned Standing Counsel for the Forest Department, Mr. N. Goswami, learned Govt. Advocate for the State respondents and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department appearing for respondent No.5.

By filing this Writ Petition, the petitioners sought quashing and setting aside the impugned order dated 25.01.2023, issued by the Divisional Forest Officer, Nagaon Wildlife Sub-Division and Deputy Director, Kaziranga Tiger Project, whereby the respondent authorities sought to evict the petitioner.

It is submitted at the Bar that the petitioners have already been evicted and to that extent, the Writ Petition has become infructuous.

It is further submitted at the Bar that as regards the prayer of rehabilitation, there is a notification to ensure that such evicted persons are to be rehabilitated, subject to certain conditions.

In view of the aforesaid endorsement made by the respective counsels, this Court is of the considered view that for the ends of justice, the Writ Petition can be disposed of with a direction to the petitioners to file an application before the concerned respondent authority with a prayer for rehabilitation.

As and when such application is filed, the concerned respondent authority shall consider the same in accordance with law, within a period of six (6) months from the date of receipt of certified copy of this order.

With the aforesaid direction and observation, this Writ Petition stands disposed of.

JUDGE

Comparing Assistant