

GAHC010146132024



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

Case No. : WP(C)/3707/2024

MAINUL HOQUE AND 2 ORS.
S/O- LATE ABDUL LATIF, R/O- VILL.-PUB- JARONI, P.S. MURAJHAR, DIST.
HOJAI, ASSAM

2: MANAF ALI
S/O- LATE KUTUB ALI
R/O- VILL.- DAKHIN NUWABIL
P.S. MURAJHAR
DIST. HOJAI
ASSAM

3: JAMIR UDDIN
S/O- LATE ABDUL GOFUR
R/O- VILL.- DAKHIN NUWABIL
P.S. MURAJHAR
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
HOJAI
SANKARDEV NAGAR
DIST. HOJAI
ASSAM
PIN- 782442.

3:THE ADDL. DEPUTY COMMISSIONER
HOJAI
SANKARDEV NAGAR

DIST. HOJAI
ASSAM
PIN- 782442.

4:THE CIRCLE OFFICER
DABOKA REVENUE CIRCLE
P.O.DOBOKA
DIST. HOJAI
ASSAM
PIN- 782440.

5:THE OFFICER-IN-CHARGE
DABOKA
P.O. DABOKA
DIST. HAJAI
ASSAM
PIN- 782440.

6:AJIJUR RAHMAN
S/O- LATE ABDUL WAHID
R/O- VILL.- PUB-JARONI
P.O. KOROIGURI
P.S. MURAJHAR
DIST. HOJAI
ASSAM
PIN- 782440.

7:NOZIM UDDIN
S/O- LATE ABDUL WAHID
R/O- VILL.- PUB-JARONI
P.O. KOROIGURI
P.S. MURAJHAR
DIST. HOJAI
ASSAM
PIN- 782440.

8:SOFIA BEGUM
D/O- LATE ABDUL WAHID
R/O- VILL.- PUB-JARONI
P.O. KOROIGURI
P.S. MURAJHAR
DIST. HOJAI
ASSAM
PIN- 782440

Advocate for the petitioner(s) : Mr. A. J. Atia

Advocate for the respondent(s): Mr. A. Bhattacharjee SC, Revenue Department

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 26.07.2024

Heard Mr. A J. Atia, the learned counsel appearing on behalf of the petitioners. Mr. A. Bhattacharjee, the learned Standing Counsel appearing on behalf of the Revenue Department and Mr. S Baruah, the learned counsel appearing on behalf of the State of Assam.

2. The instant writ petition has been filed challenging the order passed by the Executive Magistrate dated 04.10.2021.

3. The learned counsel appearing on behalf of the petitioners submits that the land which the private respondents are occupying is a government land and the respondent authorities are not taking any steps in that regard for eviction of the private respondents.

4. This Court made a specific query upon the learned counsel appearing on behalf of the petitioners as to whether the petitioners have approached the concerned District Commissioner or the Circle Officer in that regard. The learned counsel submits that steps in that regard have been taken. He, however, submits that he would not like to press the instant writ petition, rather approach the concerned District Commissioner or Circle Officer, taking into account that the land, in question, is a government land and further the private respondents are encroaching a gobat.

5. Taking into account the above, the instant writ petition stands closed on withdrawal. The petitioners would always be at liberty to approach the concerned District Commissioner or the Circle Officer, if any person is occupying the government land, and more particularly, the roadside reservation lands.

6. Before parting, this Court makes it clear that this Court had not expressed any opinion on the right of the private respondent. The Revenue Authorities shall decide if any representation is submitted independent of the observation made in the instant order.

JUDGE

Comparing Assistant