

GAHC010196692024



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

Case No. : WP(C)/4818/2024

JAHARUL ISLAM CHOUDHURY AND 22 ORS
SON OF LATE SAYED CHOUDHURY,
RESIDENT OF VILLAGE KACHUTOLI PATHAR,
MOUZA- SONAPUR,
P.O.- DIGARU, P.S.- SONAPUR,
DISTRICT- KAMRUP METRO, ASSAM,
PIN- 782401.

2: RAFIK UDDIN CHOUDHURY
SON OF LATE FOIZUR RAHMAN CHOUDHURY
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

3: NURUL ISLAM CHOUDHURY
SON OF LATE ABDUL MUSSABBIR CHOUDHURY
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

4: MOTIUR RAHMAN
SON OF MUSA MIYA
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

5: NURUN NESSA
DAUGHTER OF MAKRAB ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

6: MUHIBUR RAHMAN
SON OF AYUB ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

7: FARUK AHMED
SON OF ABDUL WAHID

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

8: MUSAHID ALI
SON OF LATE ISRAK ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

9: HUSSAIN AHMED
SON OF LATE ALA UDDIN

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

10: MD. ABDUL BARI
SON OF LATE TALEB ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

11: BAHARUL ISLAM CHOUDHURY

SON OF LATE ABDUL SAYED CHOUDHURY
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

12: GIAS UDDIN
SON OF MAHMUD HUSSAIN
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

13: KACHIM UDDIN CHOWDHURY
SON OF ABDUL SUKUR CHOWDHURY
RESIDENT OF VILLAGE KACHUTOLI PATHAR
MOUZA- SONAPUR
P.O.- DIGARU
P.S.- SONAPUR
DISTRICT- KAMRUP METRO
ASSAM
PIN- 782401.

14: MAJID BAKS
SON OF SUNAHOR BAKS
RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

15: JAHIR ALI
SON OF LATE MICHIR ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

16: ABDUR RASHID
SON OF LATE ARAB ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

17: MANTAJ ALI
SON OF LATE ISMAIL ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

18: LIAKOT ALI
SON OF HUSSAIN ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

19: SAMSUN NESSA
DAUGHTER OF INTAJ ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

20: JAMIR UDDIN
SON OF LATE FARJAN ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

21: ARABJAN NESSA
DAUGHTER OF ANJU MIYA

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

22: HUSSAIN ALI
DAUGHTER OF ANJU MIYA

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401.

23: MD. NUR AHMED
SON OF FARMAN ALI

RESIDENT OF VILLAGE KACHUTOLI PATHAR

MOUZA- SONAPUR

P.O.- DIGARU
P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782401

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX),
DISPUR, GUWAHATI- 781006.

2:THE DISTRICT COMMISSIONER
KAMRUP METRO
ASSAM.

3:THE CIRCLE OFFICER

SONAPUR REVENUE CIRCLE.

4:COMMISSIONER OF POLICE
GUWAHATI POLICE COMMISSIONERATE.

5:THE OFFICER-IN-CHARGE

SONAPUR POLICE STATION

Linked Case : WP(C)/4840/2024

RASHIDA BEGAM
DAUGHTER OF LATE UWAI DULLAH LASKAR
RESIDENT OF VILLAGE KUSHAL NAGAR
SONAPUR
DISTRICT- KAMRUP (METRO)
PIN- 782402
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GOVERNMENT OF ASSAM ASSAM SECRETARIAT
F BLOCK
1ST FLOOR
DISPUR
GUWAHATI- 781006

2:THE DISTRICT/DEPUTY COMMISSIONER
KAMRUP (M)
ASSAM

3:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
KAMRUP METROPOLITAN DISTRICT
SONAPUR
ASSAM

Linked Case : WP(C)/4820/2024

HUSSAIN AHMED AND 24 ORS
SON OF LATE MASRAF ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

2: SHAMSUDDIN LASKAR
SON OF LATE ABDUL NUR

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

3: HABIBUDDIN AHMED
SON OF TAYEB ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

4: AZHARUDDIN ANSARY
SON OF OSMAN GONI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

5: YUSUB ALI
SON OF PASAND ALI
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

6: TAIZUDDIN ALI
SON OF FAYAZ ALI
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

7: SHAHID AHMED LASKAR

SON OF SOFIQUR RAHMAN

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

8: ALTAB HUSSAIN
SON OF SOFIQUR RAHMAN

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

9: HABIBUR RAHMAN
SON OF LATE AHMED ALI
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

10: NAJRUL ISLAM
SON OF LATE ISMAEL ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

11: RASHID AHMED
SON OF LATE MASRAF ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

12: MD. BAHARUL ISLAM
SON OF ANUWAR UDDIN

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

13: AHMED RAJA LASKAR
SON OF ABDUR ROUF LASKAR

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

14: MD. ABDUL MATIN LASKAR
SON OF AMARUJ ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

15: HABARUN NESSA
WIFE OF MINUDDIN

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

16: AMIRUL ISLAM LASKAR
SON OF-
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

17: NUR JAHAN BEGUM
WIFE OF HUSSAIN AHMED

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

18: FARIDA BEGUM
WIFE OF -
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

19: WAHIDA BEGUM
WIFE OF MIFURUDDN BARBHUIYA
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

20: HASAN RAJA
SON OF AHMED ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

21: MD. AJIJUR RAHMAN

SON OF ARAMUJ ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

22: HUSSAIN AHMED
SON OF ALLAUDDIN AHMED

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

23: ABUL KALAM TALUKDAR
SON OF ABDUL JALIL TALUKDAR

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

24: MD. MUJIBUR RAHMAN
SON OF EATIM ALI

RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.

25: TAFJUL ISLAM CHOUDHURY
SON OF ABDUL MUCHABBIR CHOUDHURY
RESIDENT OF VILLAGE- SONAPUR PATHAR

MOUZA- SONAPUR

P.O. AND P.S.- SONAPUR

DISTRICT- KAMRUP METRO
ASSAM

PIN- 782402.
VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)

DISPUR
GUWAHATI- 781006.

2:THE DISTRICT COMMISSIONER
KAMRUP METRO
ASSAM.

3:THE CIRCLE OFFICER

SONAPUR REVENUE CIRCLE

4:THE COMMISSIONER OF POLICE
GUWAHATI POLICE COMMISSIONERATE.

5:THE OFFICER-IN-CHARGE
SONAPUR POLICE STATION.

Advocate for the Petitioners : Mr. A. R. Bhuyan, Advocate
Mr. N. Baruah, Advocate

Advocate for the Respondents : Mr. D. Saikia, Advocate General
Mr. R. Borpujari, SC Revenue

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Date of Hearing : 20.09.2024

Date of Judgment : 20.09.2024

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the petitioners in WP(C) No.4818/2024 and WP(C) No.4820/2024 as well as Mr. N. Baruah, the learned counsel appearing on behalf of the petitioner in WP(C) No.4840/2024. I have also heard Mr. D. Saikia, the learned Advocate General, Assam assisted by Mr. R. Borpujari, the learned Standing Counsel, Revenue Department appearing on behalf of the State respondents.

2. In the instant three writ petitions, the petitioners have assailed the general notices dated 13.09.2024/14.09.2024 issued by the Circle Officer, Sonapur Revenue Circle, Kamrup (Metro) District whereby the land mentioned in the said notices, i.e. Myadi Patta No.1 to 202 and Eksonia Patta No.1 to 87 have been held to be under unauthorized and illegal possession of the people other than the protected Class as per Chapter-X of the Assam Land and Revenue Regulation, 1886 (for short, 'the Regulation'). Under such circumstances, all the inhabitants of the said land mentioned in the notices were directed to vacate the land within three

days of service of the notice.

3. The petitioners herein claimed that they have rights over the land under their possession wherein they were initially issued Annual Pattas in the year 1923-28 and thereupon have been issued Periodic Pattas. It is the case of the petitioners that they have rights over the land even before the land were declared to fall under Chapter-X of the Regulation vide the Government notification number RD.75/46/172 dated 27.02.1950, and as such, the summary manner in which the respondent authorities have resorted to evict the petitioners who have been enjoying rights over the land almost for hundred years is absolutely arbitrary, unreasonable as well as in violation to the provisions of Section 165 (3) of the Regulation. It is also very relevant to take note of that in the instant writ proceedings various documents have been enclosed to show that the petitioners have rights over the lands as contented by the learned counsel for the petitioners.

4. Mr. D. Saikia, the learned Advocate General, Assam, per contra, submitted that in terms of the notification dated 27.02.1950, the Revenue and Settlement Department of the Government of Assam under the Orders of the Governor of Assam had constituted the Tribal Belt in terms with Chapter-X of the Regulation. The learned Advocate General, Assam further submitted that Chapter-X of the Regulation is a very special Chapter in order to protect certain Classes who, on account of their primitive conditions and lack of education or material advantages, are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance. The learned Advocate General submitted that in terms of Section 164 (A) and 164 (B)

of the Regulation, stringent conditions have been imposed keeping the legislative enactment for protection of the Backward Classes. The learned Advocate General further submitted that once the land has been notified in terms of Chapter-X, there cannot be any acquisition by any other Class other than those Classes falling under Chapter-X of the Regulation. He therefore submitted that if the petitioners have any rights accrued prior to 27.02.1950, they can very well place it before the Deputy Commissioner, Kamrup (Metro) by submitting respective representations and the said aspect would be duly considered. In addition to that, the learned Advocate General has also referred to the order passed by the Division Bench of this Court dated 09.12.2019 in PIL No.78/2018 wherein the Division Bench, had been directed the State Government including the District Administration to take effective steps for protection of the land falling under Chapter-X of the Regulation.

5. The learned Advocate General further submitted that in pursuant to the order passed by the Division Bench of this Court dated 09.12.2019 in PIL No.78/2018, a Special Leave to Appeal was filed before the Supreme Court bearing SLP (C) No.2121 of 2020. The Supreme Court vide an order dated 03.02.2020, had observed that the order dated 09.12.2019 merely was a direction upon the Deputy Commissioner to proceed against the unauthorized occupancy in accordance with law which presupposes that the Deputy Commissioner must examine the claim of each occupants on case to case basis and after recording satisfaction in the light of evidence produced before him, proceed to pass appropriate orders by law. The learned Advocate General therefore submitted that if the petitioners submit their representations along with the necessary supporting

documents, the Deputy Commissioner, Kamrup (Metro) shall duly consider the same and also provide an opportunity of hearing.

6. In the backdrop of the above submissions, this Court have duly given an anxious consideration to the challenge so made to the impugned notices dated 13.09.2024/14.09.2024 and the submissions so made by the learned counsels for the parties. It is seen from a perusal of Chapter-X of the Regulation that by Section 60, an obligation has been cast upon the State Government to adopt such measures as it deems fit for protection of those Classes who, on account of their primitive conditions and lack of education or material advantages, are incapable of looking after their welfare in so far as such welfare depends upon having sufficient land for their maintenance. In terms of Section 161 of the Regulation, a power has been conferred upon the State Government to constitute compact areas in regions predominantly occupied by people notified under the provisions of Sub-section (2) of Section 160 of the Regulation in Belts or Blocks. It is seen that the notification dated 27.02.1950 has been issued in exercise of the powers under Section 161 of the Regulation. Section 163 of the Regulation stipulates the manner of disposal of land for the purpose of cultivation and Section 164 of the Regulation stipulates about the rights of settlement holders and landholders. In terms of Section 164 of the Regulation, there is a bar on acquisition in a Belt or Block unless such a person does not belong to a Class of people notified under Section 160 of the Regulation or to a person who is not a permanent resident in that Belt or Block. Section 164 (A) and Section 164 (B) of the Regulation were inserted by amendment carried out in 1981 and 1990 respectively in order to make Chapter-X more effective. Section 165 of the Regulation stipulates

the manner in which the ejectment and eviction could be carried out. Section 165 of the Regulation envisages different treatment to different Classes of persons who are in occupation of lands falling under Chapter-X. The first of such groups are those persons occupying without authority; the second are those who are annually settled and third those who have been periodically settled. In the case of the first and second group, eviction can be carried out forthwith whereas as regards the third group there is the mandatory requirement to follow the process in terms with Section 163 (3) of the Regulation.

7. This Court has also given its anxious consideration to the submission so made by the learned Advocate General which seems to be in consonance to the direction so passed by the Supreme Court in its order dated 03.02.2020. The said order is reproduced herein under:-

“Permission to file Special Leave Petitions is granted.

The principal grievance of petitioners before this court is that peremptory directions have been issued by the High Court which are likely to be construed as having been issued after recording finding of fact that the petitioners and similarly placed occupants in the concerned area are unauthorized occupants.

This apprehension, in our opinion, is misplaced. For, the tenor of the order which is impugned in these Special Leave Petitions is merely to direct the Deputy Commissioner to proceed against the unauthorized occupants in accordance with law – which presupposes that the Deputy Commissioner must examine the claim of each occupant on case to case basis and after recording satisfaction in light of evidence produced before him proceed to pass appropriate order(s) as per law.

We may add that, if that order is adverse to the occupants, the Deputy Commissioner must give reasonable time to the occupants to take recourse to

appropriate remedy as may be permissible in law.

In other words, the Deputy Commissioner shall decide the proceedings uninfluenced by any of the observations made by the High Court in the impugned judgment and order.

It will be open to the Deputy Commissioner to request the High Court to extend the timeline specified in terms of the impugned judgment and order, which request we are certain would be considered appropriately by the High Court.

Besides this, nothing more is required to be clarified. These Special Leave Petitions are disposed of accordingly.

Pending applications, if any, stand disposed of.”

(emphasis applied to the underlined portion)

8. From the above order, it is clear that the Supreme Court observed that the Deputy Commissioner must examine the claim of each occupants on case to case basis and after recording satisfaction in the light of evidence produced before him, proceed to pass appropriate orders as per law. The Supreme Court further observed that if that order is adverse to the occupants, the Deputy Commissioner must give reasonable time to the occupant to take recourse to an appropriate remedy as may be permissible in law. Furthermore, the Supreme Court also observed that the Deputy Commissioners shall decide the proceedings uninfluenced by any of the observations made by the High Court in the order dated 09.12.2019.

9. In that view of the matter, this Court is of the opinion that the interest of justice would be met if the petitioners herein are granted the liberty to submit their respective representations within 30.09.2024 before

the Office of the Deputy Commissioner, Kamrup (Metro) along with all their supporting documents. The Deputy Commissioner, Kamrup (Metro) is further directed thereupon to decide the claim of the petitioners by giving them an opportunity of hearing. Thereupon, the Deputy Commissioner, Kamrup (Metro) shall pass respective speaking order(s) as per the provisions of law. The Deputy Commissioner shall also keep in mind the directions passed by the Supreme Court dated 03.02.2020 as quoted herein above and more particularly to the portion where emphasis has been supplied by this Court.

10. The learned counsels appearing on behalf of the petitioners submitted that certain orders are required to be passed to the effect that the petitioners may not be evicted on the basis of the impugned notices dated 13.09.2024/14.09.2024.

11. Mr. D. Saikia, the learned Advocate General gives an undertaking to that effect that no action would be taken against the petitioners till the representations are disposed of in the manner directed by the Supreme Court in the order dated 03.02.2020.

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

JUDGE

Comparing Assistant