

GAHC010233412017



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

Case No. : WP(C)/1412/2017

GOL HUSSAIN and 56 ORS.
S/O NAFIL ALI

2: ABDUL NUR
S/O LT. AMINSHA ALI

3: JAMSER ALI
S/O LT. JUMAR ALI

4: BASED ALI
S/O JAMSER ALI

5: HASER ALI
S/O LT. LATISA ALI

6: SANBHANU BIBI
W/O LT. TAZIM ALI

7: LUTFUR RAHMAN
S/O LT. MOHIM ALI

8: AYUB ALI
S/O LT. MANSER ALI

9: SABIJAN BIBI
W/O LT. MANSER ALI

10: MAINUL ALI
S/O HAKIM ALI

11: HAKIM ALI
S/O LT. AJIM ALI

12: AYNUL HAQUE

S/O LT. HAKIM ALI

13: IDAR ALI
S/O LT. TAJIM ALI

14: BIDER ALI
S/O LT. TAJIM ALI

15: ABDUL NUR
S/O LT. TAJIM ALI

16: NAFIL ALI
S/O LT. SAFUR ALI

17: NAZIM ALI
S/O NAFIL ALI

18: JAKIR ALI
S/O NAFIL ALI

19: ABDUL ALI
S/O LT. MESER ALI

20: MAKIB ALI
S/O LT. FARMUJ ALI

21: FARID ALI
S/O LT. FARMUJ ALI

22: SABRU ALI
S/O LT. AHED ALI

23: ERUJ ALI
S/O LT. AHED ALI

24: GIAS UDDIN
S/O LT. SADO ALI

25: SAFIKUL ALI
S/O DINO ALI

26: MAINODDIN AHMED
S/O LT. MANIR ALI

27: SARIFUDDIN
S/O LT. NUJIR ALI

28: RAHMAN ALI

S/O LT. SIDDIK ALI

29: PAINUR ALI
S/O LT. SIDDIK ALI

30: SAMNUR ALI
S/O LT. SIDDIK ALI

31: SAMSUL HOQUE
S/O SAMNUR ALI

32: HASIMUDDIN
S/O LT. LT. HUSHAN ALI

33: HASHIR ALI
S/O LT. HUSHAN ALI

34: DILBAR ALI
S/O LT. SAMIR ALI

35: HABIBUR RAHMAN
S/O DILBAR ALI

36: MAKIBAR RAHMAN
S/O DILBAR ALI

37: MAHIBAR RAHMAN
S/O LT. KUDRAT ALI

38: HABIBAR RAHMAN
S/O LT. HAJARAT ALI

39: CHAND MAHAMMAD
S/OLT. HAJARAT ALI

40: MAHSEN ALI
S/O LT. KHARSAN ALI

41: KAHINOOR
S/O LT. NABIR ALI

42: NURUN NESHA
W/O LT. NABIR ALI

43: FAIJUDDIN @ FAIJO ALI
S/O LT. SANAT ALI

44: JALAL ALI

S/O LT. DOULAT ALI

45: MAINUL HAQUE
S/O LT. MAKSED ALI

46: RABIA BIBI
W/O LT. JIYAR ALI

47: RUPO BIBI
W/O LT. TAFEZ ALI

48: DILDAR ALI
S/O HABIBULLA

49: RAJNUR AHMED
S/O LT. RASMAN ALI

50: RAIFUDDIN
S/O LT. MAHIM ALI

51: DILJAN BIBI
S/O LT. MANSER ALI

52: MATIUR RAHMAN
S/O MOIJUDDIN

53: FARID ALI
S/O LT. HUSHAN ALI

54: ENUSH ALI
S/O PAINUR ALI

55: ANOWAR HUSSAIN
S/O LT. MOHIM ALI

56: GOLAPJAN BIBI
W/O LT. SAFIKUR RAHMAN

57: NARAYANPUR FIRM SUPA
JAME MASZID
REP. BY ITS SECRETARY MAKIBAR RAHMAN ALL ARE RESIDENTS OF
VILL - NARAYANPUR
MOUZA- MADHYAM BARKHETRI
P.O. and P.S. MUKALMUA DIST. NALBARI
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASAM,
REVENUE SETTLEMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF LAND RECORDS
AND SURVEYS ETC. ASSAM
RUPNAGAR
GUWAHATI - 781032.

3:THE DEPUTY COMMISSIONER
LAND SETTLEMENT BRANCH
NALBARI
DIST. NALBARI
ASSAM
PIN - 781335.

4:THE ADDITIONAL DEPUTY COMMISSIONER

REVENUE
NALBARI
DIST. NALBARI
ASSAM
PN - 781335.

5:THE CIRCLE OFFICER

BARKHETRI REVENUE CIRCLE
NARAYANPUR MUKALMUA
DIST. NALBARI
ASSAM
PIN - 78112

For the petitioner (s) : Mr. R. Islam, Advocate

For the respondent (s) : Mr. S. Baruah, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

18.09.2024

Heard Mr. R. Islam, the learned counsel appearing on behalf of the petitioners. Mr. S. Baruah, the learned counsel appears on behalf of the respondents.

2. The instant writ petition has been filed by the petitioners being aggrieved by the inaction on the part of the respondent authorities in not granting settlement in favour of the petitioners over the plot of land covered by Dag No.621 under Barkhetri Revenue Circle, Narayanpur Mukalmua in the district of Nalbari, Assam.

3. Pursuant to the order passed by this Court on 02.09.2024, an instruction has been placed before this Court to the effect that the lands in question wherein the petitioners are seeking settlement are VGR lands. It has also been mentioned that in the year 2004, the land allotment proposal submitted by Circle Officer was rejected by the District Land Advisory Committee.

4. The learned counsel appearing on behalf of the petitioners submits that the petitioners have been in possession of the said lands for more than 45 years and they are erosion affected persons.

5. This Court also takes note of the instructions so placed wherein the Circle Officer, Barkhetri Revenue Circle has also stated that the petitioners have been occupying the VGR land since the year 1982-83 due to erosion of their lands in village-Howlighat and Mukalmua. In that view of the matter, the question of passing any order by directing the respondent authorities to consider settlement of the petitioners in respect to the land under their possession to the petitioners cannot be granted in view of the fact that the lands in question wherein the petitioners are in possession are VGR lands as the same goes against the very spirit of the judgment of the Supreme Court in the case of **Jagpal Singh & Others Vs. the State of Punjab & Ors.**, reported in **(2011) 11 SCC 396**. In addition to that, the Land Policy of 2019 also stipulates that there shall be no settlement of VGR lands.

6. Be that as it may, the petitioners herein being landless indigenous people who are also erosion affected persons, they are required to be considered in terms with the Land Policy of 2019, and as such, this Court disposes of the instant writ petition thereby directing the respondent authorities to consider the case of the petitioners for allotment/settlement in other Government waste lands as per the Land Policy of 2019.

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

8. The instructions placed before this Court are kept on record and marked with the letter "X".

JUDGE

Comparing Assistant