

GAHC010233952017



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

Case No. : WP(C)/1763/2017

LASKAR ALI MOLLAH and 54 ORS.
S/O. LT. TAHAJUDDIN MOLLAH

2: MOTLEB ALI

S/O. LT. AKBOR ALI

3: RUKAN ALI

S/O. LT. NOIMUDDIN

4: OMAR ALI

S/O. LT. ASKAR ALI

5: HATEM ALI

S/O. LT. KASEM ALI

6: JAHAR ALI

S/O. LT. MAYAN MUNSHI

7: HASEN ALI

S/O. LT. MAYAN MUNSHI

8: RIAZUDDIN

S/O. MD. JAHAR ALI

9: JADAB ALI

S/O. LT. PASAN

10: AINAL HOQUE

S/O. LT. INTAZ ALI

11: SAHID ALI

S/O. LT. INTAZ ALI @ JARU SHEIKH

12: MONNAF ALI

S/O. LT. IBRAHIM ALI

13: MAZIBOR RAHMAN

S/O. LT. AYUB ALI

14: RAHAM ALI

S/O. LT. HAZRAT ALI

15: ATAF ALI

S/O. LT. JAFAR ALI

16: SURUZ ZAMAN

S/O. BABUR ALI

17: KHALEQUE ALI

S/O. GADU MANDAL

18: KURBAN ALI

S/O. MAYANUDDIN

19: JAINAL

S/O. JAMAL

20: KISMAT ALI

S/O. LT. ISAR ALI

21: ASMAT ALI

S/O. LT. KADER ALI

22: HABIBAR ALI

S/O. LT. MALEK ALI

23: MAJIBAR ALI

S/O. LATYE MALEK ALI

24: AINAL HOQUE

S/O. LT. MAJIBAR ALI

25: AKBAR ALI

S/O. LT. KASEM ALI

26: JAKALUDDIN

S/O. LT. ASMAT ALI

27: HABEZUDDIN

S/O. LT. NAZRUL

28: SOHRAB ALI

S/O. MUJAHAR ALI

29: MOKSED ALI

S/O. LT HUSEN ALI

30: WAZUDDIN

S/O. LT. ABDUL BAREK

31: JAMAL

S/O. WAZUDDIN

32: NAYEB ALI

S/O. LT. ASIMUDDIN

33: KADAM ALI

S/O. LT. SANTAZ ALI

34: FAKIRSHAN ALI

S/O. LT. MORTUZ ALI

35: IMAN ALI

S/O. INTAZ ALI @ IJJAL ALI

36: KADER ALI

S/O. LT. AMIR ALI

37: SAJAHAN ALI

S/O. LT. DELBAR ALI

38: KHURSHED MOLLAH

S/O. LT. TAHAJUDDIN MOLLAH

39: NAYAN MOLLAH

S/O. LT. TAHAJUDDIN MOLLAH

40: ASRAB ALI

S/O. LT. JUBBAR ALI

41: KADER ALI

S/O. MD
MAYANUDDIN

42: AIMOND

W/O. LT. ASRAB ALI

43: MUKTAR ALI

S/O. LT. MOSHAL ALI

44: SAHAR ALI

S/O. LT. FAIZUDDIN

45: AZIBAR ALI
S/O. MD. MUKSHED ALI

46: JAINAL

S/O. ABDUL HAI

47: AKBAR ALI

S/O. LT. RIAZUDDIN

48: JASMAT ALI

S/O. BAREK ALI

49: HAZRAT ALI

S/O. LT. SARBES ALI

50: SORAN ALI

S/O. HASEN ALI

51: HABIBUR RAHMAN

S/O. LT. IBRAHIM

52: SATTAR ALI

S/O. ASKAR ALI

53: ASARUDDIN

S/O. NUR HUSSAIN

54: ABDUL HAI

S/O. LT. BAHAZ ALI

55: MUBARAK ALI

S/O. MUNNAF ALI

ALL ARE RESIDENTS. OF VILL. FUHURATOLI

P.O. BAZANA PATHAR

P.S. SIPAJHAR

CIECLE- SIPAJHAR

DIST. DARRANG

ASSAM

VERSUS

THE STATE OF ASSAM and 3 ORS.

REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, REVENUE S
DEPTT., DISPUR, GHY.-06.

2:THE DY. COMMISSIONER

DARRANG
MANGALDOI.

3:THE ADDL. DY. COMMISSIONER

REVENUE
DIST. DARRANG
ASSAM.

4:THE CIRCLE OFFICER

SIPAJHAR REVENUE CIRCLE
DIST. DARRANG
ASSAM

Advocate for the Petitioner : MR.A SHARIF, MR S BORTHAKUR (1 to 55),MR. J ABBAS (1 to 55),MR.S ZAMAN,MR.F ISLAM,MS.P BARMAN

Advocate for the Respondent : , GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26.11.2024

Heard Mr. J. Abbas, learned counsel for the petitioners. Also heard Mr. S. Baruah, learned Junior Government Advocate for the State respondent.

This writ petition has been filed by the petitioners challenging the eviction proceedings as well as the non-settlement of the land in favour of the petitioners pursuant to the applications so filed by the petitioners.

The petitioners have filed these writ petitions challenging eviction proceedings and non-settlement of land despite their applications.

The Supreme Court's judgment in *Jagpal Singh & Others vs. State of Punjab* (2011) 11 SCC 396 is a landmark ruling regarding the protection and preservation of Village Grazing Reserves (VGR) and other community lands in India. This case fundamentally addresses the issue of settlement of lands that are designated for the common use of the community, specifically focusing on grazing lands, ponds, and other common property resources (CPRs) that are vital for the livelihood and ecological balance of rural communities.

In this case, a number of petitioners had sought the settlement of land that was categorized as Village Grazing Reserves (VGR). These VGRs were traditionally used for grazing cattle and other agricultural activities that benefit the local community. The petitioners contended that they should be allowed to settle on these lands, primarily due to long-term occupancy or other socio-economic factors.

From the above discussion, it reveals that providing allotment/settlement of land to the petitioners may be considered in the waste lands of Government of Assam as per Government Land Policy subject to availability of the Government waste lands and fulfilment of the eligibility criteria of the by the applicant. It was further mentioned that the petitioners are required to apply afresh for allotment/settlement of land subject to genuineness and authenticity of the applications.

Accordingly, this Court, therefore, grants the liberty to the petitioners to file applications within 45 (forty five) days from today seeking allotment/settlement of land as per the extant Land Policy of 2019 of the Government of Assam. The respondent authorities, i.e. the District Commissioner, Barpeta as well as the Revenue and Disaster Management Department of the Government of Assam shall duly consider the applications of

the petitioners and also take into consideration that the instant applications are a continuation of the applications which the petitioners have filed earlier. It is further made clear that till the disposal of the applications of the petitioners, the respondent authorities shall not take any coercive action against the petitioners provide the petitioners file their applications within 45 (forty five) days from today with supporting documents.

With the above, the instant petitions stand disposed of.

JUDGE

Comparing Assistant