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

Case No. : WP(C)/6890/2024

AYNUDDIN ALI AND 5 ORS
S/O. KISHMAT ALI, R/O. TOPLAKHOWA, P/O. CHECHAPANI, P/S. RANGJULI,
DIST. GOALPARA, ASSAM.

2: HASSEN ALI
S/O. SIRAJ SHEIKH
R/O. TOPLAKHOWA
P/O. CHECHAPANI
P/S. RANGJULI
DIST. GOALPARA
ASSAM.

3: SORHAB ALI @ SURAT ALI
S/O/ MUKTAR ALI
R/O. TOPLAKHOWA
P/O. CHECHAPANI
P/S. RANGJULI
DIST. GOALPARA
ASSAM.

4: SAHJAHAN ALI
S/O. DUDU MIA
R/O. TOPLAKHOWA
P/O. CHECHAPANI
P/S. RANGJULI
DIST. GOALPARA
ASSAM.

5: ABDUS SAMAD
S/O. KHUTU MIA
R/O. TOPLAKHOWA
P/O. CHECHAPANI
P/S. RANGJULI
DIST. GOALPARA

ASSAM.

6: AFAJA ALI
S/O. LATE GAFUR ALI
R/O. TOPLAKHOWA
P/O. CHECHAPANI
P/S. RANGJULI
DIST. GOALPARA
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER
GOALPARA
P/O. BALADMARI
DIST. GOALPARA
ASSAM
PIN-783121

3:THE CIRCLE OFFICER
MATIA REVENUE CIRCLE
MATIA
DIST. GOALPARA
ASSAM
PIN-783125

Advocate for the Petitioner : MR A HAWARI, A R MONDAL,MR. S ISLAM

Advocate for the Respondent : GA, ASSAM, SC. REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19.12.2024

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Heard the learned counsel for the parties.

The petitioners grievance is that the notice dated 11.12.2024 issued by

Circle Officer, Matia Revenue Circle whereby they have been asked to vacate the premises and handover the possession of the land vide Dag No. 194(New)/200(Old).

The learned counsel for the petitioners submits that the petitioners having in possession of the said plot land and the respondents cannot evict the petitioners without following the due process of law. The petitioners are claim to be landless persons therefore, evicting them at this stage from the said plot of land without giving alternatives suitable plot will cause great prejudice to the petitioners.

Mr. H. Sarma, learned Sernior Government Advocate representing the respondent Nos.2 and 3 submits that there is no dispute that the land in which the petitioners are in possession is a government land and in spite of that the department has proceeded to issue a notice under Regulation 18(3). Under such circumstances, petitioners cannot claim any right to save and excess their cases to be considered for resettlement as per the procedure prescribed under the Right to Pay Compensation Transparency Land Acquisition Rehabilitation Resettlement Act 2013, R/W the State Land Policy Act. 2019.

Having heard the learned counsel for the parties and also from the documents enclosed in the petition, it is seen that the necessary applications have been filed before the authorities for settlement in khas and ceiling surplus land and which have been received by the Department of Revenue.

Under such circumstances, this Court is of the view that this petition can be closed with a direction to the respondent authorities to take all necessary steps prescribed under the Act of 2013 as well as in terms of the State Land Policy of 2019 to ensure that the petitioners are rehabilitated to an alternative suitable plot of land pursuant to their eviction from the present plot of land in

terms of the notice dated 11.12.2024

The writ petition is accordingly stands disposed of.

JUDGE

Comparing Assistant