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2026:GAU-AS:9470

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

**Case No. : WP(C)/3592/2026**

JAHAR UDDIN ALIAS JOHOR UDDIN AND 13 ORS
S/O RASTAM ALI, PRESENTLY RESIDING AT NIDANPUR PT-II, P.O. LAKHIPUR, P.S. LAKHIPUR, DIST- GOALPARA, ASSAM, PIN-783129

2: FULCHAN ALI
S/O RAKIBUL HOCHEIN
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

3: SHWAHIDUL ISLAM
S/O AFJAL HUSSAIN
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

4: ABDUL BAREK
S/O ABDUL BATEN
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

5: BAKKAR ALI
S/O LATE HASEM ALI
PRESENTLY RESIDING AT NIDANPUR PT-II

P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

6: RUHUL AMIN
S/O LATE ABDUL WAHED
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

7: MAHMMAD ALI
S/O LATE JAHED ALI
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

8: ABUL KALAM
S/O MANACHER ALI
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

9: SAMSUL ALI MONDAL
S/O NAYAN ALI MONDAL
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

10: SHUKUR ALI
S/O TOMEZ UDDIN
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA

ASSAM
PIN-783129

11: AZMUL HOQUE
S/O SONA UDDIN
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

12: ABDUR ROFIQUE SHARKAR
S/O LT. NOIMUDDIN SARKAR
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

13: KOBIR HOSSAIN
C/O HORMUJ ALI
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-783129

14: SHOGOR ALI
C/O HABIBOR RAHMANALL
PRESENTLY RESIDING AT NIDANPUR PT-II
P.O. LAKHIPUR
P.S. LAKHIPUR
DIST- GOALPARA
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-781006.

2:THE SECRETARY
GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPT

JANATA BHAWAN
DISPUR
GUWAHATI- 781006.

3:THE DISTRICT COMMISSIONER
GOALPARA
BALADMARI
GOALPARA PIN-783101
ASSAM.

4:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE
NIDANPUR BAZAR
GOALPARA
ASSAM 783129

**Advocate for the Petitioner** : MR. Z KHALID, MR D BORPUJARI,MR. M H ALI,MR. A R DAS,ARIF KHAN,FARHIN FARID

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

**BEFORE**
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 09.07.2026**

Heard Mr. Z. Khalid, learned counsel for the petitioners. Also heard Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate appearing for respondent nos. 3 and 4.

2. At the outset, the learned Addl. Senior Govt. Advocate has pointed out that the respondent no.1 is the State of Assam represented by the Commissioner and Secretary to the Govt. of Assam without indicating any

department and therefore, she is unable to appear for respondent no.1 as there is no clarity of the concerned department. Accordingly, her submissions are accepted.

3. In brief, the case of the petitioners is that they are all occupying Government land covered by Dag No.275. The petitioners are in receipt of a common eviction notice dated 01.07.2026 bearing No. GLCG.13/2020/Encroachment & Eviction/Cl/2859, alleging that the petitioners have encroached Government land at revenue village-Nidanpur Pt-II at Govt. Dag No.274 in respect of land measuring 13B-02K-10L and accordingly, the petitioners along with one more noticee, were directed to vacate the Government land within 14 (fourteen) days from the date of receipt of notice. By referring to the case *Md. Salak Uddin Vs. State of Assam & Ors., WP(C)/1057/2022,* decided on 27.06.2024, it has been submitted that this Court has held that the noticees were in receipt of eviction notice under Settlement Rules under Assam Land and Revenue Regulation were entitled to put forward their bonafide claim in respect of their land and that under Rule 3 of the Settlement Rules the District Commissioner was required to arrive at a decision subject to satisfaction that there was no bonafide claim of right involved.

4. Per contra, the learned Addl. Senior Govt. Advocate has submitted that as it is the admitted case of the petitioners that they are staying in Dag No.275 and by the impugned notice dated 01.07.2026, the petitioners were directed to vacate the land under Dag No.274, therefore, the petitioners were not entitled to raise any objection or dispute the Government drive to have the land covered by Dag No.274 evicted from the encroachers. By referring to

the minutes of the District Land Advisory Committee Meeting held on 03.11.2006 which is annexed to the writ petition, it is submitted that as per the documents produced by the petitioners, this approval for allotment of land was in respect of land measuring 300 B-0K-0L covered by Dag Nos. 276, 285, 286 and 275 of Village-Nidanpur Pt-II under Lakhipur Circle in favour of 607 landless families out of the land previously reserved for ex-serviceman. Accordingly, it is submitted that the said allotment and the decision taken by the Land Advisory Committee of Goalpara District would not come in the way of the Government to have Govt. land covered by Dag No. 274 to be evicted from encroachers.

5. Considered the materials available on record and the submissions made by the learned counsel for the petitioners and the learned Addl. Senior Govt. Advocate and also having considered the judgment of this Court in the case of *Md. Salak Uddin (supra).*

6. It is not in dispute that the eviction notice dated 01.07.2026 is for eviction to be carried out on Govt. Dag No.274 in respect of land measuring 13B-2K-10L. The specific pleading in paragraph no.3 is to the effect that the petitioners are staying in Dag No.275. Therefore, in light of the decision of this Court in the case of *Md. Salak Uddin (supra)*, there is requirement of the authorities, duly empowered under Rule 18(2) read with Rule 3 of the Settlement Rules to arrive at a subjective satisfaction that there is no bonafide claim of right involved. Accordingly, the petitioners who claimed to be in possession of land covered by Dag No.275 have a right to make a representation before the Circle Officer, Lakhipur Revenue Circle that they are not in possession of Dag No.274 which is the land covered by the notice dated

01.07.2026.

7. Accordingly, the Court is inclined to grant liberty to the petitioners to submit their individual representations of the petitioner, before the Circle Officer, Lakhipur Revenue Circle, Lakhipur, District-Goalpara within 17.07.2026 along with a certified copy of the order. The Court is also inclined to provide that the Circle Officer on receipt of the individual representation shall acknowledge the receipt thereof in the office copy of the petitioners and thereafter, arrive subjective satisfaction as to whether or not there is no bonafide claim of right involved in so far as the right of the petitioners over land covered by Dag No.274 is concerned.

8. It is further provided that the petitioners shall provide their e-mail addresses and/ or phone numbers having whats App or Telegram application in their representation so that decision, if any, taken by the authorities can be communicated to the petitioners through such mode. Any communication of the order passed to e-mail addresses or whats App or Telegram will be deemed to be due service of the same to the petitioners.

9. It is needless to say that in the event the Circle Officer, Lakhipur Revenue Circle (respondent no.4) arrives at the satisfaction that there is no bonafide claim of the right involved by the petitioners in respect of land covered by Dag No.274, in that event the authorities would be entitled to take such steps as the law may so require.

10. Accordingly, the writ petition stands disposed with terms as indicated above at the motion stage without issuance of notice on the respondents.

11. It would be open learned Addl. Senior Govt. Advocate to transmit a

downloaded copy of this order to the respondent authorities.

**JUDGE**

**Comparing Assistant**