GAHC010161492026

2026:GAU-AS:11845

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

Case No. : WP(C)/4300/2026

AMANUR HUSSAIN
S/O- LATE MONOWAR HUSSAIN ALIAS MANNAR ALI ALIAS HUSSAIN,
R/O- VILL- BANIAPARA, BILASIPARA, W/NO.9, P.O.- HAKAMA, P.S.- BILASIPARA, DIST- DHUBRI, ASSAM, PIN- 783348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, SETTLEMENT BRANCH, DISPUR, GUWAHATI-781006,

2:THE DIRECTOR OF LAND ACQUISITION REQUISITION AND REFORMS
ASSAM
GUWAHATI-32

3:THE DISTRICT COMMISSIONER
DISTRICT- DHUBRI
ASSAM. PIN- 783301

4:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
DHUBRI
PIN- 78334

Advocate for the Petitioner : MR S C DAS, P BURAGOHAIN,MS. J DAS,D R BONGSHIARY

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19.08.2026

Heard Ms. D.R. Bongshiary, learned counsel for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent nos. 1 & 2; and Mr. S.S. Roy, learned Junior Government Advocate, Assam for the respondent nos. 3 & 4.

2. The petitioner has approached this Court by the present writ petition stating that the petitioner being a landless person, has been in long, continuous, peaceful and uninterrupted possession of a plot of land measuring 4 Kathas 10 Lessas in Dag nos. 57 & 61, situate at Revenue Village – Bamunpara Part No. 1 [Town], Mouza – Bilasipara, Bilasipara Revenue Circle, District – Dhubri [‘the subject-plot’, for short]. According to the petitioner, the subject-plot is a Government khas and ceiling surplus land and prior to the Assam Fixation of Ceiling on Land Holdings Act, 1956, the name of the predecessor-in-interest of the petitioner was reflected as a recognised occupant in Khatian no. 15.

3. It is the case of the petitioner that when the State Government notified Mission Basundhara 2.0 Scheme for settlement of Government khas and ceiling surplus land in favour of the landless persons, the petitioner applied for settlement of the subject-plot it being khas and ceiling surplus land, on 25.11.2022 and 16.12.2022 in his favour. The said applications were received vide Acknowledgment no. RTPS/SKCSL/2022/28158 and RTPS/SKCSL/2022/223724 respectively. However, on 17.08.2023, both the applications of the petitioner was shown to be rejected on the ground that on field enquiry, the subject-plot was found to have been encroached in recent years on organised basis and therefore, the said land stood excluded from the purview of Mission Basundhara 2.0.

4. The petitioner has disputed the reason recorded for rejection of his applications by the two Orders, both dated 17.08.2023, which are of cryptic nature. The petitioner has further mentioned that before rejection of his applications, the petitioner was not afforded any opportunity of hearing and the reasons recorded are not as per situation prevalent in the

ground in respect of the subject-plot regarding encroachment on organized basis. Be that as it may.

5. Ms. Bordoloi, learned Standing Counsel, Revenue Department has submitted that notwithstanding rejection of the petitioner's applications for settlement of khas and ceiling surplus land under Mission Basundhara 2.0, it would still be open for the petitioner to submit a fresh application under Mission Basundhara Scheme which is stated to be in currency. Ms. Bordoloi has placed a copy of an Office Letter bearing no. E-786345/I/1555646/2026 dated 14.05.2026 received from the Revenue and Disaster Management Department, Government of Assam wherein it is mentioned that the settlement of Government khas and ceiling surplus land under Mission Basundhara 2.0 has been rolled out perpetually via the Sewa Setu Portal, as per Government Notification eCF no. 565802/I/772778/2024 dated 15.10.2024. It has been further mentioned that an applicant can apply afresh for land settlement through the Sewa Setu Portal as per the existing guidelines, despite rejection of the earlier application.

6. As it is open for the petitioner to file an application for settlement of Government khas and ceiling surplus land afresh, Ms. Bongshiary has submitted that as the petitioner has the option of filing an application for settlement of Government khas and ceiling surplus land afresh by complying with all the requisite formalities as per the existing guidelines through the Sewa Setu Portal, the petitioner will avail the option of filing an application afresh. Considering the fact that the petitioner's earlier applications were rejected on 17.08.2023, this Court deems it proper to close of the writ petition, allowing the petitioner to submit an application for settlement of the subject-plot afresh by complying with all the requisite formalities as per the existing guidelines through the Sewa Setu Portal.

7. In the event the petitioner submits a fresh application, the respondent authorities while considering the application, shall duly consider the petitioner's claim regarding his long, continuous, peaceful and uninterrupted possession of the subject-plot and the facts asserted by the petitioner as regards reflection of the name of predecessor-in-interest of the petitioner in Khatian no. 15. It is needless to mention that consideration of the petitioner's application must be disposed of by way of a reasoned order. In the event the petitioner feels himself

aggrieved by the manner of disposal of the application, the petitioner will be at liberty to seek appropriate remedy as permissible under the law.

JUDGE

Comparing Assistant