GAHC010166862025

2026:GAU-AS:12055

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

Case No. : WP(C)/4258/2025

YUNUS ALI AND 14 ORS.
S/O- IDDICH ALI. AGE- 53 YEARS VILL- GELAJAN, DIST- GOLAGHAT, ASSAM.

2: JAKIR HUSSAIN
S/O- KARI ISMAIL. AGE- 36 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

3: NUMAN ALI
S/O- ABDUL KALAM. AGE- 38 YEARS VILL- BIDYAPUR
DIST- GOLAGHAT
ASSAM.

4: TAHIR HUSSAIN BARBHUYAN
S/O- MOIN UDDIN BARBHUYAN. AGE- 33 YEARS VILL- BIDYAPUR
DIST- GOLAGHAT
ASSAM

5: NURUL ISLAM
S/O- IMAN ALI. AGE- 74 YEARS VILL- NO 2 MADHUPUR
DIST- GOLAGHAT
ASSAM.

6: HARIS ALI
S/O- CHAMAR @ SAMAR ALI. AGE- 31YEARS VILL- GELAJAN. DIST- GOLAGHAT
ASSAM

7: FAIJUL HOQUE
S/O- JALAL UDDIN. AGE- 32 YEARS VILL- RAJAPUKHURI
DIST- GOLAGHAT
ASSAM.

8: ABUL HUSSAIN
S/O- MOIJUDDIN. AGE- 42 YEARS VILL- RAJAPUKHURI
DIST- GOLAGHAT
ASSAM.

9: ABUL HACHIM
S/O- HABIJ UDDIN. AGE- 79 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

10: AHMED ALI
S/O- UMED ALI. AGE- 65 YEARS VILL- DHUPGURI
DIST- GOLAGHAT
ASSAM.

11: JAFAR ALI
S/O- MAJIT ULLAH. AGE- 70 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

12: KAPIL UDDIN
S/O- CHABU SHAIKH. AGE- 57 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

13: SAMSUL HAQUE
S/O- ROMJAN ALI. AGE- 59 YEARS VILL- GELAJAN
DIST- GOLAGHAT
ASSAM.

14: ABDUS SALAM
S/O- ABDUL HAMID. AGE- 45 YEARS VILL- GELAJAN. DIST- GOLAGHAT
ASSAM.

15: SAIFUL ISLAM
S/O- NUR ISLAM. AGE- 30 YEARS VILL- RAJAPUKHURI NO. 3
DIST- GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS.
TO BE REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX), DISPUR, GUWAHATI- 781006

2:SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT

JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

3:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX)
DISPUR
GUWAHATI- 781006

4:PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST FORCE AND WILDLIFE
O/O THE PCCF AND HOFF
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI- 781037.

5:DIVISIONAL FOREST OFFICER
GOLAGHAT DIVISION
GOLAGHAT
ASSAM.

6:DISTRICT COMMISSIONER
GOLAGHAT
ASSAM

7:SUPERINTENDENT OF POLICE
GOLAGHAT
ASSAM

8:CIRCLE OFFICER
SARUPATHAR REVENUE CIRCLE
GOLAGHAT
ASSAM

9:OFFICER -IN- CHARGE
URIAMGHAT POLICE STATION
GOLAGHAT
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, S LASKAR,MR S ABDULLAH,MR. M A I HUSSAIN,MR N Z CHOUDHURY,MR N A MAZARBHUIYA

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

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. AR Bhuyan, Sr. Advocate
Ms. S Laskar, Advocate

For the Respondent(s) : Mr. I Borthakur, SC, Forest
Mr. N Das, GA

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **21.08.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. AR Bhuyan, learned Senior counsel assisted by Ms. S Laskar, learned counsel for the petitioners. Also heard Mr. I Borthakur, learned standing counsel for the Forest Department.

2. The present writ petition was filed by 15 writ petitioners aggrieved by the issuance of notices on 24-07-2025, which have been collectively enclosed as Annexure-1 to the writ petition. In terms with said notices, it was alleged that the petitioners entered into the South Nambar Reserved Forest, situated at the Naojan Range Forest Office and the petitioners were asked to vacate.

3. At this stage, it is relevant to take note of certain subsequent events pursuant to the filing of the present writ petition. The Supreme Court in the case of ***Abdul Khalek & Ors v. State of Assam & Ors*** reported in ***2026***

SCC Online SC 184, had disposed of a batch of Special Leave Petitions, thereby directing the Forest Department to carry out a fresh exercise for removal of the encroachment, conforming the principles of fairness, reasonableness and due process. The reserved forests in said proceedings included amongst others the South Nambar Reserved Forest. Paragraph 12, 13, 14 and 15 of the same judgment being relevant, is reproduced here in under:

"*12. Thus, from perusal of aforesaid additional affidavit filed on behalf of the respondents, the following policy decision to remove unauthorised occupation from the reserved forest has been taken:*

(i) The respondents shall constitute a committee comprising forest officials and the revenue officials.

(ii) The said committee shall issue notice to the alleged unauthorized occupants and shall give them an opportunity to adduce evidence to show that they have the right to occupy the land which is in their possession.

(iii) The action for removal of encroachment shall be taken, only if it is found that there is an encroachment in the reserved forest area.

(iv) In case the noticee is found to be within the revenue limits, outside the notified forest area, the details of the noticee shall be sent to the revenue department. In such cases, revenue department shall decide the future course of action.

(v) The action is being taken by the State to remove encroachment from the reserved forest areas and has nothing to do in respect of the matters which may be referred to the revenue department.

(vi) If an unauthorised occupation is found in a reserved forest area, after scrutiny of the documents, a speaking order shall be passed and shall be served on the concerned person giving him 15 days notice to vacate the unauthorized occupation and only after expiry of the period of notice, the action shall be

taken to remove the unauthorised occupants.

(vii) Occupation of a Gaon Panchayat in a forest is permissible if there is a sufficient proof as per the Jamabandi Register maintained by the Forest Department or as provided under the Forest Rights Act.

13. In our opinion, the course of action to be adopted by the State Government while removing the encroachment from the reserved forest contains sufficient procedural safeguards. The process sought to be adopted by the State Government for removal of encroachment conforms to the principles of fairness, reasonableness and due process. Learned Solicitor General has assured us that the mechanism evolved by the State shall be complied with objectively and with fairness while taking action for removal of unauthorised occupation in the reserved forests. The parties are directed to maintain status quo in respect of land in occupation of the appellants/writ petitioners till speaking order is passed and till expiry of notice period of 15 days. All contentions are kept open to be agitated before the committee. It is clarified that this Court has not expressed any opinion on merits of the claim of the parties, as the same has to be examined by the committee.

14. Accordingly, the judgment dated 18.08.2025 passed by the Division Bench and orders dated 03.11.2025, 06.11.2025, 12.11.2025 and 17.11.2025 passed in W.P. (C) Nos. 6191/2025, 6192/2025, 6418/2025 and W.P. (C) No. 6167/2025 respectively, by learned Single Judge, of the High Court, are substituted and modified.

15. In view of the mechanism evolved by the State for taking action for removal of unauthorised occupation in reserved forests, as recorded in our order, it is not necessary to consider the writ petitions filed under Article 32 of the Constitution of India in detail. The writ petitioners will be entitled to avail such remedies as may be permissible in law."

4. Subsequent to the directions passed by the Supreme Court in the case of ***Abdul Khalek (supra)*** and in terms with the directions, steps were taken

by the Forest Department of the Government of Assam, in coordination with the revenue officials, in respect to the four reserved forests, and various speaking orders were passed. These Speaking Orders were put to challenge by the persons aggrieved in another round of litigation before this Court. The Speaking Orders were upheld by this Court in the common judgment and order dated 08.06.2026 reported in ***2026:GAU-AS: 8021*** and titled as ***Nekbar Ali @ Nekbor Ali and 88 Ors vs. State of Assam & Ors***. The said common judgment and order dated 08-06-2026 was assailed before the learned Division Bench of this Court by filing various Writ Appeals. The said Writ Appeals were dismissed by the learned Division Bench of this Court vide a common judgment and order dated 25.06.2026, which is reported in ***2026:GAU-AS:9246*** titled as ***Abdul Khalek & Ors vs State of Assam & Ors***.

5. It is also relevant to take note of that while the said Writ Appeals were pending, a Special Leave Petition was filed directing before the Supreme Court by one Abdul Nur alongwith others against the common judgment and order dated 08-06-2026, passed in WP(C) No. 1690/2026 i.e. ***Nekbor Ali (supra).*** The said Special Leave Petition was also dismissed by the Supreme Court vide order dated 20-07-2026.

6. In the backdrop of above, taking into account the directions, which were passed by the Supreme Court in ***Abdul Khalek (supra)***, whereby there was a specific manner in which the eviction proceedings were directed to be carried out, it is the opinion of this Court that in the case of the petitioners, if such, steps were not taken, it shall be the requirement of law that in the case of the petitioners such steps in terms with the directions passed by the Supreme Court in ***Abdul Khalek (supra)*** should be taken. However, during the pendency of the instant writ petition, if steps already have been taken in

consonance with the directions passed in ***Abdul Khalek (supra)***, then there shall be no further necessity.

7. Accordingly, the present writ petition stands disposed of with the following observations and directions;

i) The impugned notices, which are enclosed as Annexure 1 to the Writ Petition have become redundant in view of the directions passed by the Supreme Court in the case of ***Abdul Khalek (supra)***.

ii) The Respondent Authorities, more particularly, the Forest Department, if it proposes to take any action against the petitioners, the same shall be done only by following the directions passed by the Supreme Court in the case of ***Abdul Khalek (supra)***.

iii) If in the meantime, during the pendency of the instant writ petition, already steps have been taken following the directions passed by the Supreme Court in the case of ***Abdul Khalek (supra)*** against the petitioners, there shall be no further necessity of taking any steps in terms with ***Abdul Khalek (supra)***.

iv) No costs.

JUDGE

Comparing Assistant