GAHC010171882025

2026:GAU-AS:9937

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

Case No. : WP(C)/4373/2025

SAMIRAN NESSA AND ANR
W/O SANTESH ALI VILL NIDANPUR PART II PO LAKHIPUR PS LAKHIPUR DIST GOLAGHAT ASSAM

2: ABDUL AZIZ
S/O JURAN ALI VILL NIDANPUR PART II PO LAKHIPUR PS LAKHIPUR DIST GOLAGHAT ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE SECRETARY TO THE GOVT OF ASSAM REVENUE DEPTT DISPUR GUWAHATI 6

2:THE DISTRICT COMMISSIONER
GOALPARA
ASSAM

3:THE SETTLEMENT OFFICER
GOALPARA
ASSAM

4:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE PO AND PS LAKHIPUR DIST GOALPARA ASSA

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. M. U. Mahmud, Advocate

For the Respondent(s) : Ms. G. Hazarika, SC, Revenue
Mr. N. Das, Govt. Advocate

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 20.07.2026

Whether the pronouncement is of the Operative part of the judgment? : Yes

Whether the full judgment has been Pronounced? : No

JUDGMENT AND ORDER (ORAL)

Heard Mr. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioners. Ms. G. Hazarika, the learned counsel appears on behalf of the Revenue Department of the Government of Assam and Mr. N. Das, the learned counsel appears on behalf of the State Respondents.

2. The Petitioners herein have approached this Court seeking a direction upon the Respondent No.2 to issue settlement orders in favour of the Petitioners in respect to the lands allotted to the Petitioners in Dag No.286 situated at village Nidanpur Part II under Lakhipur Revenue Circle in the district of Goalpara, Assam as per their respective possessions as well as other consequential directions.

3. The Petitioners also apprehend that the Respondent Authorities, having not granted the settlement till date, may take

steps for eviction of the Petitioners from their respective possessions.

4. This Court has perused the materials on record including the documents whereby permission was granted subject to the terms and conditions of the document, namely, 'Abantan Patra' for occupying the lands which the Petitioners are presently in occupation. There is a distinction between the said 'Abantan Patra' with a settlement to be granted in terms with the Settlement Rules in as much as for the purpose of granting a settlement, there is a requirement of filing an application, and thereupon, such settlement shall be granted subject to the policy of the State which at present is the Assam Land Policy, 2019 and payment of the necessary premium. The Petitioners admittedly have not applied for settlement under a bonafide belief that the said document, namely, 'Abantan Patra' is an allotment so granted to the Petitioners.

5. Mr. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioners submitted that the Petitioners would apply for settlement, and if such application is made, the Respondent Authorities should be directed to consider the same as per law. The learned counsel for the Petitioners also submitted that in the meantime, taking into account that the Petitioners have been in occupation of the lands after being duly permitted to possess the

said lands, the Respondent Authorities should not evict the Petitioners from the said lands.

6. This Court also heard Mr. N. Das, the learned Government Advocate appearing on behalf of the Respondents who submitted that the document 'Abantan Patra' cannot be said to be a settlement, and for that, there is a requirement of the process to be followed.

7. Considering the above, the writ petition stands disposed of with the following observations and directions:

(i) The documents, namely, 'Abantan Patra' which have been issued in favour of the Petitioners on 04.04.2007 enclosed as Annexure-1 and Annexure-2 to the writ petition grants permission to the Petitioners to reside over the lands described in the Schedule to the said document. The said documents, however, would not amount to granting of settlement of the lands.

(ii) The Petitioners are granted liberty to file appropriate applications for settlement in accordance with law and as per the practice and procedure followed. It is observed that in the circumstance such application is filed, the same be considered within the purview of the Assam Land Policy, 2019.

(iii) This Court further observes that as the Petitioners have been issued the documents, namely, 'Abantan Patra' thereby permitting the Petitioners to reside over the lands specifically mentioned in the Schedule to the said documents, the Respondent Authorities are directed not to take any steps for eviction, if the Petitioners submit applications for allotment of the lands under their possession as specifically described in the documents, namely, 'Abantan Patra' within 90 days from today. Further, during the period of consideration of such applications seeking allotment, no steps for eviction should be carried out.

(iv) It is further observed that if the applications seeking allotment by the Petitioners are rejected, then only steps for eviction be carried out by following the due procedure of law.

JUDGE

Pradip Kumar Kalita
Comparing Assistant

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