GAHC010125782020

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

WP(C)/240/2018

ABED ALI
Address:R/O- VILL- BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA
2: ABUL HUSSAIN
Address:R/O-VILL- BALAPARA SOUTH
P.S. JOGIGHOPA
P.O. BALAPARA

3: LATIF AHMED
Address:R/O- VILL- BALAPARA SOUTH
P.S. JOGIGHOPA
P.O. BALAPARA

4: MOHSIN AHMED
Address:R/O-VILL- BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

5: ABU AKKAS ALI
Address:R/O- VILL- BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

6: RAHMAN ALI
Address:R/O- VILL-BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

7: MONSER ALI
Address:R/O- VILL- BALAPARA
P.S. JOGIGHOPA
P.O. BALAPARA

8: JAFAR ALI
Address:R/O-VILL-BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

9: SABED ALI
Address:R/O- VILL- BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

10: TOSER ALI@ TASER ALI
Address:R/O-VILL- BELTOLI
P.S. JOGIGHOPA
P.O. BALAPARA

11: OMAR ALI
Address:R/O-VILL-BALAPARA
P.S. JOGIGHOPA
P.O. BALAPARA
VERSUS

THE STATE OF ASSAM
Address:REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE LR DEPTT.
DISPUR
GUWAHATI
2:THE DIRECTOR
Address:LAND RECORDS AND SURVEY
ASSAM
KHANAPARA
GUWAHATI

3:THE DEPUTY COMMISSIONER
Address:BONGAIGAON
P.O.- BONGAIGAON
ASSAM

4:THE SUB-DIVISIONAL OFFICER (CIVIL)
Address:NORTH SALMARA
ABHAYAPURI
P.O.- BONGAIGAON

5:THE CIRCLE OFFICER/ SUB-DIVISIONAL OFFICER (CIVIL)
Address:BOITAMARI REVENUE CIRCLE
BOITAMARI

6:ABDUL MOTLEB
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

7:NUR ISLAM
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

8:JURAN ALI
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

9:OSMAN ALI
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

10:AZAHAR
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

11:BABAR ALI
Address:R/O- VILL- HOKODOBA PART I
P.S. JOGIGHOPA
P.O. BALAPARA

Advocate for : MR. H DAS
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM: Advocate GA
ASSAM,

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ASSAM, appearing for 2,

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BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 10-11-2020

Heard Shri H Das, learned counsel for the petitioner. Also heard Ms. K Phukan, learned State Counsel, Assam, who has placed before this Court a copy of written instruction dated 21.10.2020. Ms. N Bordoloi, learned Standing Counsel, Revenue Department is present.

The grievance of the petitioner is with regard to encroachment of a Government land

at Hokodoba, Gomath which is a VGR land.

Shri Das, learned counsel for the petitioners has placed reliance on a decision of the Hon'ble Supreme Court in the case of Jagpal Singh Vs. State of Punjab, reported in (2011) 11 SCC 396 wherein, the Hon'ble Supreme Court has strictly laid down that VGR land is not to be allotted and the same should be preserved.

As per the instructions received, Ms. K Phukan, learned State Counsel has submitted that necessary action for eviction was already undertaken and the encroachers have been evicted.

At the same time, Shri Das, learned counsel for the petitioners submits that it was for the third time that the land was the subject matter of encroachment and that the petitioners apprehend that even in future, the land may be encroached.

In view of the aforesaid facts and circumstances, this writ petition is disposed of by directing the authorities to ensure that the law laid down by the Hon'ble Supreme Court in the case of Jagpal Singh (supra) is strictly followed and no encroachment is done upon the aforesaid VGR land.

A copy of the written instruction dated 21.10.2020 is made a part of the records.

The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant