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2026:GAU-AS:16008

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

Case No. : WP(C)/1777/2019

ABDUL HUSSAIN
S/O. LATE RAHMAT ULLAH SK., VILLAGE- KACHUAGAON
(CHATRAPARA), P.O. BAGRIBARI, P.S. BILASIPARA, DIST.- DHUBRI,
ASSAM. PIN- 783345.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF REVENUE, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
DHUBRI
P.O.
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

3:THE CIRCLE OFFICER

BILASIPARA REVENUE CIRCLE
P.O. AND P.S. BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783345.

4:THE SUB-DIVISIONAL OFFICER (CIVIL)

BILASIPARA SUB-DIVISION
P.O. BILASIPARA
DIST.- DHUBRI
ASSAM. PIN- 783345

Advocate for the Petitioner : MR. M A SHEIKH, MR. M HOSSAIN,MS F INTAZ

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

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

02.11.2026

1. Heard Mr. M. A. Sheikh, learned counsel for the petitioner. Also heard Mr. B. J. Talukdar, learned Standing Counsel for the Revenue Department, Assam and Mr. A. Bhattacharjee, learned Government Advocate, Assam representing the State respondents.

2. The petitioner claims to have been in occupation, since the days of his forefathers, over a plot of land under Dag No. 514 by constructing katcha dwelling houses. According to the petitioner, the said plot of land is adjacent to the southern boundary of the plot of land measuring 1 Bigha 2 Katha 3 Lechas covered by Dag No. 514 (Miyadi Land) situated at Village-Kasuagaon, Revenue Circle- Bilasipara, District- Dhubri, Assam. The said land is a patta land belonging to the petitioner and his family.

3. The petitioner sought settlement of the aforesaid adjacent land under Dag No. 514, however, nothing has been done in this regard and, accordingly, the petitioner has approached this Court.

4. The respondents have filed their affidavit and took a stand that since the petitioner is admittedly not a landless person, no further settlement can be made in its favour ignoring other landless persons.

5. However, such an argument is countered by Mr. Sheikh, the learned counsel for the petitioner who argued that settlement of agricultural land is permissible up-to 3 Bighas and therefore, there is no difficulty in having settlement in favour of the petitioner.

6. Regarding the contention of the respondents that the land under occupation of the petitioner is a VGR land and that under the Settlement Rules, such land cannot be settled in favour of the petitioner, is also disputed by the petitioner.

7. Be that as it may, admittedly, as reflected in the pleading the petitioner is a landholder of a Miyadi land measuring 1 Bigha 2 Katha 3 Lechas covered by Dag No. 514 and therefore, the petitioner cannot be categorized as a landless person.

8. As regards to the dispute concerning his entitlement for settlement of land beyond his Miyadi Patta land, a determination cannot be made by this Court in exercise of its power of judicial review and is to be considered by the competent authority as per Land Policy and Settlement Rules.

9. So far relating to the claim and counter-claim of status of land, as to whether, it is VGR land, such a determination also cannot be made by this Court in exercise of its power of judicial review and it is to be decided in terms of the revenue records, the policy holding the field in this regard i.e. the Land Policy of the State of Assam as well as the Settlement Rules made under the Assam Land and Revenue Regulation, 1886.

10. In view of the aforesaid, this writ petition stands closed with a liberty to the petitioner to approach the State authorities by filing an application following the procedure prescribed in this regard. In the event, such application is filed, the matter shall be decided as per the extant Land Policy and Settlement Rules, made under the Assam Land and Revenue Regulation, 1886.

11. The entire exercise may be completed within a period of 90 days from the date of receipt of any such application that may be filed by the petitioner.

12. Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant