GAHC010071142020

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

Case No. : WP(C)/2195/2020

NIRANJAN SARMA AND 11 ORS
S/O SRI RAMESH SARMA, R/O VILL. RAMPUR NO. 3, P.O. RAMPUR, PS. LEKHAPANI, SUB DIV- MARGHERITA, DIST. TINSUKIA, ASSAM, PIN-786188

2: SASHI KALA SHARMA
S/O LT. BAL BAHADUR GURUNG
R/O VILL. AHOMPATHAR
P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

3: SANU SHARMA
S/O SRI DILLIRAM SHARMA
R/O VILL. ABORGAON
P.O. BISHNUPUR
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

4: PREM KUMAR GURUNG
S/O PADMADEBI LIMBU
R/O ABORGAON
P.O. BISHNUPUR
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

5: TIKARAM LIMBU
S/O LT. RATANMAN LIMBU
R/O VILL. PHULBARI N.C. P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

6: TILAK PRASAD SHARMA
S/O SRI SHOBHAKAR SHARMA
R/O VILL. LEKHAPANI GRANT NO. 2
P.O. LEKHAPANI
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786182

7: GANESH CHETRY
S/O LT. JIL BAHADUR CHETRY
R/O VILL. PARBATIPUR GAON
P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

8: KESHAV SONAR
S/O LT. BHAKTA BAHADUR SONAR
R/O VILL. LALPAHAR GAON
P.O. LEKHAPANI
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786182

9: KUMAR CHETRY
S/O SRI PREM BAHADUR CHETRY
R/O VILL. NEPALI GAON
LEKHAPANI
P.O. LEKHAPANI
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM

PIN-786182

10: DEEPAK CHETRI
S/O DEB BAHADUR CHETRY
R/O VILL. PARBOTIPUR
P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

11: SRI DEV GURUNG
S/O LT. BAL BAHADUR GURUNG
R/O VILL. AHOMPATHAR
P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-786188

12: DILIP CHETRI
S/O LT. TEK BAHADUR CHETRY
R/O VILL. AHOM PATHAR
P.O. JAGUN
SUB DIV- MARGHERITA
P.S. LEKHAPANI
DIST. TINSUKIA
ASSAM
PIN-78618

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY
TO THE GOVT. OF ASSAM
REVENUE
RELIEF AND REHABILITATION DEPTT. ASSAM SACHIVALAYA
DISPUR
GUWAHATI-781006

3:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (S) DEPTT. ASSAM

SACHIVALAYA
DISPUR
GUWAHATI-781006

4:THE UNDER SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (S) DEPTT. ASSAM
SACHIVALAYA
DISPUR
GUWAHATI-781006

5:THE SECRETARY
TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASS DEPTT.
SACHIVALAYA
DISPUR
GUWAHATI-781006

6:THE DEPUTY COMMISSIONER
TINSUKIA
O/O THE DEPUTY COMMISSIONER
TINSUKIA P.O. BORGURI
DIST. TINSUKIA
786125

7:THE SUB DIVISIONAL OFFICER (CIVIL)
MARGHERITA
O/O THE SDO (CIVIL) MARGHERITA
P.O. MARGHERITA
DIST. TINSUKIA
786181

8:THE CIRCLE OFFICER
MARGHERITA SUB DIVISION
P.O. MARGHERITA
DIST. TINSUKIA
78618

Advocate for the petitioner(s): Mr. S Sarma

Advocate for the respondent(s): Ms. N Bordoloi, Standing Counsel
Revenue and Disaster Management
Dept. Govt. of Assam
Mr. J Handique, Govt. Advocate, Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

03.11.2026

Heard Mr. S Sarma, the learned counsel appearing on behalf of the petitioners. Also heard Ms. N Bordoloi, the learned Standing Counsel, Revenue and Disaster Management Department, Govt. of Assam and Mr. J Handique, the learned Government Advocate, Assam.

2. The present writ petition has been filed by the petitioners being aggrieved by the communication dated 31.12.2015 issued by the respondent No.3 to the respondent No.6, and further, the petitioners had also sought for directions upon the respondent authorities, more particularly the respondent Nos.1 to 6, to clarify and decide the residential/protected class status of the community of the petitioners or of the people of the Gorkha/Nepali community belonging to Tirap Tribal Belt of Tinsukia District by virtue of the Government Notification dated 27.12.1947 and the Government Notification dated 19.03.1996.

3. It is seen that during the pendency of the instant proceedings, the Governor of Assam has issued a Notification dated 18.08.2025. The said Notification is kept on record and marked with the letter 'X'. The contents of the said Notification being relevant are reproduced herein under:

"***GOVERNMENT OF ASSAM***

REVENUE & DISASTER MANAGEMENT DEPARTMENT :

SURVEY & SETTLEMENT BRANCH

ASSAM SECRETARIAT (CIVIL) : DISPUR

GUWAHATI-6

ORDER BY THE GOVERNOR

NOTIFICATION

Dated 18-08-2025

No.ECF.647686/I/1211687/2025: In exercise of powers conferred by Sub-section (2) of Section 160 of Chapter-X of the Assam Land and Revenue Regulation, 1886 (as amended), the Governor of Assam is pleased to include the Ahom, Matak, Moran, Chutia, Gorkha, Koch Rajbongshi, Tea Garden and Adivasi communities in the list of protected classes of persons in the Tirap Tribal Belt, with immediate effect.

Additional Chief Secretary to the Govt. of Assam,
Revenue & Disaster Management Department"

4. From a perusal of the said Notification, it is seen that the Governor of Assam has been pleased to include the Ahom, Matak, Moran, Chutia, Gorkha, Koch-Rajbongshi, Tea Garden and Adivasi communities in the list of protected class of persons in the Tirap Tribal Belt with immediate effect.

5. The learned counsel appearing on behalf of the petitioners, therefore, submitted that in view of the said Notification dated 18.08.2025, the contents of which have been quoted herein-above, the grievances of the petitioners have been redressed.

6. Accordingly, the instant writ petition, therefore, stands closed.

7. It is further observed that if the protected class of persons in the Tirap Tribal Belt are provided any benefits, the same shall ensue upon the petitioners if they belong to the communities as mentioned in the Notification dated 18.08.2025.

JUDGE

Comparing Assistant