GAHC010091592025

2026:GAU-AS:16211

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

Case No. : WP(C)/2479/2025

HANIF ALI
S/O ABDUL SHOBAHAM R/O 7 NO SHANTIPUR PO SHANTIPUR PS SADIYA
DIST TINSUKIA ASSAM

VERSUS

THE STATE OF ASSAM AND 5 OTHERS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, GUWAHATI, ASSAM

2:THE DISTRICT COMMISSIONER
TINSUKIA
DIST TINSUKIA ASSAM PIN 786125

3:THE SUB DIVISIONAL OFFICER
SADIYA
CHAPAKHOWA PO CHAPAKHOWA DIST TINSUKIA ASSAM PIN 786155

4:THE CIRCLE OFFICER
SADIYA
PO CHAPAKHOWA DIST TINSUKIA ASSAM PIN 786155

5:THE SUPERINTENDENT OF POLICE
SADIYA POLICE DISTRICT
DIST TINSUKIA ASSAM

6:THE OFFICER IN CHARGE
SADIYA POLICE STATION
CHAPAKHOWA DIST TINSUKIA ASSA

For the Petitioner(s) : Mr. T. Deuri, Advocate

For the Respondent(s) : Mr. J. Handique, Govt. Advocate
Mr. A. Bhattacharjee, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 04.11.2026

Heard Mr. T. Deuri, the learned counsel for the petitioner. Mr. J. Handique, the learned Government Advocate appears on behalf of the District Administration and Mr. A. Bhattacharya, the learned Standing Counsel appears on behalf of the Revenue and Disaster Management Department.

2. The petitioner herein is aggrieved by the actions on the part of the Respondent Authorities in evicting the petitioner from the land under his possession on 15.10.2024 and has, therefore, sought for issuance of directions upon the Respondent Authorities to allow the petitioner and his family to reside on the plot of land from which the petitioner was evicted and also to compensate the petitioner for the damages and loss caused to him.

3. It is the case of the petitioner that in the year 2019, the petitioner purchased a plot of land covered by Dag No. 406 admeasuring 60 Lechas from one Saraswati Rai vide an

unregistered Deed of Agreement. Subsequent thereto, the petitioner constructed a house thereon. Without any notice whatsoever, the petitioner's house was demolished and the petitioner was evicted on 15.10.2024. The petitioner thereupon submitted a representation dated 20.12.2024 to the Deputy Commissioner, Tinsukia. However, the said representation was not considered, for which the petitioner has approached this Court.

4. Pursuant to the notice issued by this Court, an affidavit-in-opposition was filed by the respondent No. 4 enclosing an enquiry report dated 16.09.2024. In the said enquiry report, it was mentioned that the petitioner had been occupying a plot of land admeasuring 1 Katha 7 Lechas with kutcha structure at Dag No. 6 (Part) since 2019. Prior thereto, the petitioner was residing in the rented house of one Sharifa Khatun from where he was evicted in the year 2007. After being evicted, the petitioner stayed in Arunachal Pradesh near the boundary of Assam and Arunachal Pradesh and later purchased the land from Smt. Saraswati Rai through a non-formal process. The said land was subsequently transferred by the petitioner to one Ucchit Mullah by way of a gift. It was further mentioned in the said enquiry report that the petitioner had also purchased 60 Lechas of land from Smt. Saraswati Rai in Village No. 1, Shantipur, Mouza &

Circle-Sadiya, B.D.J. No. 406 (Part) and had gifted away 45 Lechas of the said land to one Ucchit Mullah. It was further mentioned that Smt. Saraswati Rai herself did not have any right over the land as it was a Government Dag. Apart from that, the land in question falls within Chapter-X of the Assam Land and Revenue Regulation, 1886 and is, therefore, a protected land. Along with the said affidavit-in-opposition, a Notification dated 13.03.1951 constituting the area, from where the petitioner was evicted, as a tribal belt was also enclosed.

5. From the materials on record, it is seen that the petitioner does not have any conceivable right over the land in question. Apart from that, the land from which the petitioner was evicted was a land wherein the petitioner under no circumstances could have been granted the settlement. Under such circumstances, the question of any right accruing to the petitioner over the said land does not arise.

6. In that view of the matter, the exception to the principles of natural justice would apply as the issuance of notice would merely be a useless formality.

7. Apart from that, from a perusal of the enquiry report, it reveals that due enquiry was conducted with the petitioner and the petitioner had duly submitted various documents, references

to which have been made in the enquiry report.

8. Under such circumstances, this Court does not find any good ground for exercising powers of judicial review in the present case.

9. Accordingly, the writ petition stands dismissed. No costs.

JUDGE

Comparing Assistant