GAHC010101632023

2026:GAU-AS:15139

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

Case No. : WP(C)/3025/2023

SMT. INDRA BASUMATARY AND 24 ORS.
D/O- LT. GOPINATH BASUMATARY,
VILL- TILAPARA,
P.O. - BANGALDOBA,
P.S. - BASUGAON, DIST.- CHIRANG, ASSAM

2: BIREN NARZARY
S/O- LT. UDA NARZARY

VILL- TATTARA

P.O. - KASHIKOTRA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

3: BIMAL BASUMATARY
S/O- LT. SABARAM BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

4: BUDISWAR BASUMATARY
S/O- LT. DEBEN BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

5: ANSUMA BASUMATARY
S/O- LT. KAGEN BASUMATARY
VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

6: SUBHASH BASUMATARY
S/O - LATE SUKUR SINGH BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

7: DUMBRU BASUMATARY
S/O - LATE JANGYA BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

8: PRAKASH BASUMATARY
LEGAL HEIR OF LT. PRADIP BASUMATARY

S/O - LATE SAITOBAN BASUMATARY

VILL- HOLTU GAON TINIALI

P.O. - TINIALI

P.S. - KOKRAJHAR
DIST.- KOKRAJHAR

ASSAM

9: RANJIT BASUMATARY
S/O - LATE DANSING BASUMATARY

VILL- KOSUGAON

P.O. - KOSUGAON

P.S. - KOSUGAON
DIST.- KOKRAJHAR
ASSAM

10: AJIT BASUMATARY
S/O - LATE GENDESWAR BASUMATARY

VILL- NIMAGAON (DEULGURI)

P.O. - RANCHAIDHAM

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

11: PROMOD BASUMATARY
S/O- SURGA BASUMATARY

VILL- GHOKPARA

P.O. - CHAMPABATI BAZAR

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

12: ANEN BASUMATARY
S/O- LT. RABIRAM BASUMATARY

VILL- MULABARI

P.O. - KARIGAON

P.S. AND DIST.- KOKRAJHAR
ASSAM

13: BIJEN BASUMATARY
S/O - LT. GOIYA BASUMATARY

VILL- AND P.O. - SANTIPUR

P.S. RUNIKATA
DIST. CHIRANG
ASSAM

14: JATIN BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOL DHOLAPARA

P.O. - BENGTOL

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

15: SOMENDRA BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOL DHOLAPARA

P.O. - BENGTOL

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

16: TANGGWNA BASUMATARY
S/O - LT. GUDAM BASUMATARY

VILL- GHOP PARA

P.O. - CHAMPABOTI BAZAR

P.S. SIDLI

DIST.- CHIRANG
ASSAM

17: DHAJEN BORO
S/O- LT. BISHNU BORO

VILL- CHAMPA BALABARI
P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

18: NAGA BASUMATARY
S/O- LT. LT. RAMESWAR BASUMATARY

VILL- BIJNI
P.O. - BIJNI

P.S. - BIJNI
DIST.- CHIRANG
ASSAM

19: PAROHIT BASUMATARY
S/O- LT. NAIYA RAM BASUMATARY

VILL- AMLAIGURI

P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

20: DINESH BASUMATARY
S/O. LT. SIVSWORON BASUMATARY

VILL- LAORIPARA

P.O. GAUBHASA

P.S. SIDLI
DIST. CHIRANG
ASSAM

21: SWMBLA BASUMATARY
S/O- LT. YATRA BASUMATARY
VILL- MOZABARI

P.O. MOZABARI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

22: SMT. BISARI BASUMATARY

W/O- ANANDA BASUMATARY

VILL- GENDER GAON

P.O. SIDLI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

23: RABINDRA BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

24: MADHURAM BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG (BTC)
ASSAM

25: ATUL CH. BASUMATARY
S/O- LT. BIDAM BASUMATARY
VILL- EAST SHYMTHAIBARI

P.O. GARUBHASA

DIST- CHIRANG
(BTC)
ASSA

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND AND 56 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, BTC, P.O. AND DIST.
KOKRAJHAR, PIN - 783370

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BTC
BODOFA NWGWR
KOKRAJHAR
PIN - 783370

3:THE DEPUTY COMMISSIONER
KAJOLGAON
DISTRIC- CHIRANG
(BTC) ASSAM

4:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
SIDLI
DISTRICT-CHIRANG
(BTC)
ASSAM

5:MD. ASMOD ALI DEUYAN
S/O- LT. BANDESH ALI

6:MD. KASEM ALI DEUYAN
S/O- LT. BANDESH ALI

7:MD. NUR ISLAM DEUYAN
S/O- LT. SAHED ALI

8:MD. KODUSH ALI MIYA
S/O- LT. RAMJAN ALI

9:MD. KASEM ALI MIYA
S/O- LT. SANDU ALI MIYA

10:MD. ABDUL BAKKA MIYA
S/O- KODUSH ALI MIYA

11:MD. EBRAHIM ALI MIYA
S/O- LT. SAHED ALI

12:MD. MALEK ALI
S/O- LT. BANDESH ALI

13:MD. AMZAD ALI
S/O- LT. BANDESH ALI

14:MD. AJMAL HOK KONDOKAR

S/O- SOMED ALI KONDOKAR

15:MD. MOJIBAR KHAN
S/O- MALEK KHAN

16:MD. JAMIR KHAN
S/O- SAN KHAN

17:MD. SHIDIK ALI DEUYAN
S/O- AKEL ALI

18:MD. HURMUJ ALI
S/O- AKEL ALI

19:MD. DEUYAN NOUSHAD
S/O- AKEL ALI

20:MD. SUKUR MAMUD DEUYAN
S/O- FAJAR DEUYAN

21:MD. MANNAN ALI DEUYAN
S/O LT. RAMEJUDDIN DEUYAN

22:MD. JAHEDUL ISLAM
S/O LT. RAMEJUDDIN DEUYAN

23:MD. KITAP ALI MIYA
S/O- LT. RAMJAN ALI MIYA

24:MD. MOHIRUDDIN
S/O. LT. JOMEJUDDIN DEUYAN

25:MD.JAHIRUL DEUYAN
S/O. LT. JEMEJUDDIN DEUYAN

26:MD. SUKUM UDDIN DEUYAN
S/O. LT. JOMEJUDDIN DEUYAN

27:MD. SHAMAN UDDIN DEUYAN
S/O- LT. SHIBAR UDDIN DEUYAN

28:MD. SATOR ALI DEUYAN
S/O- SADEK ALI DEUYAN

29:MD. NOSHAT ALI DEUYAN
S/O- LT. DIN ALI

30:MD. HORMUJ KHAN

S/O- LT. RUNGU KHAN

31:MD. JAJUM UDDIN
S/O- SOHOR ALI

32:MD. NUROL ISLAM MIYA
S/O- LT. SAHED ALI

33:MD. JAKIR HUSSAIN
S/O- AMIN UDDIN

34:MD. AKTAR HUSSAIN
S/O- LT. AMIN UDDIN

35:MD. SUMEJ UDDIN
S/O- LT. SIBAR UDDIN

36:MD. AMJAD HUSSAIN KHAN
S/O-LT. MIR MAHOMOD ALI KHAN

37:MD. SAMSUL ALOM KHAN
S/O- LT. MIR MAHOMOD ALI KHAN

38:MD. MALEK KHAN
S/O- RANGGO KHAN

39:MD. KAMAL UDDIN
S/O- LT. RASHID ALI

40:MD. JAMALUDDIN MIYA
S/O- LT. RASHID ALI

41:MD. DAL MAMUD MIYA
S/O- LT. RASHID ALI

42:MD. MIR SHAHEB ALI MIYA
S/O- LT. RASHID MIYA

43:MR. SAN MAUMAD
S/O- LT. RASHID MIYA

44:MD. HAJET ALI MIYA
S/O- HAJET ALI MIYA

45:MD. KARIM ALI
S/O- HAJET ALI MIYA

46:MD. JOYAN ALI MIYA

S/O- GORI MANDAL MIYA

47:MD. ABDUL BAREK MIYA
S/O- AHMOD ALI

48:MD. EUNUSH ALI KHAN
S/O- LT. RANGGO KHAN

49:MD. ABDUL RAHMAN
S/O- LT. RANGGO KHAN

50:MD. HASEN ALI ROHOMAN
S/O- S/O- LT. RANGGO KHAN

51:MD. BHASN ALI DEUYAN
S/O- HASEN ALI

52:MD. NABIBAR ALI DEUYAN
S/O- BHASAN ALI

53:MD. HABIBAR ALI DEUYAN
S/O- BHASAN ALI DEUYAN

54:MD. INAL MIYA DEUYAN
S/O- LT. ABDUL AJIJ

55:MD. AJISH MIYA DEUYAN
S/O- LT. ABDUL AJIJ

56:MD. JOYNAL ALI MIYA
S/O- LT. GORI ALI MIYA

57:MD. JOYNUDDIN ALI MIYA
S/O- LT. GORI MIYA.
ALL ARE THE RESIDENTS OF VILLAGE MOZABARI
P.O. AND P.S. SIDLI
DIST.- CHIRANG
ASSAM PIN CODE - 78337

For the Petitioner(s) : Mr. R. Dhar, Advocate

For the Respondent(s) : Mr. A. Atreya, SC, BTC

: Ms. S. E. Murtaza, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 06.10.2026

Heard Mr. R. Dhar, the learned counsel appearing on behalf of the Petitioners and Mr. A. Atreya, the learned Standing counsel appearing on behalf of the BTC. I have also heard Ms. S. E. Murtaza, the learned counsel appearing on behalf of the Private Respondents.

2. The present writ petition has been filed by the Petitioners being aggrieved by the inaction on the part of the Respondent Authorities in not taking steps in terms with Section 165 of Chapter X of the Assam Land and Revenue Regulation, 1886.

3. This Court duly takes note of that a similar issue came up before the learned Division Bench of this Court in PIL No.78/2012. The learned Division Bench of this Court vide an order dated 19.01.2026, had closed the said PIL after observing that the State had contended that the provisions of Chapter X of the Assam Land and Revenue Regulation, 1886 are being implemented in full force.

4. The learned Division Bench of this Court had also observed that the identified encroachers would be removed after

observing the due process of law in terms with the Supreme Court judgment. The order dated 19.01.2026 passed in PIL No. 78/2012 being relevant is reproduced herein under.

"*We have heard Mr. S. Borthakur, learned Advocate for the petitioner; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department and Mr. J.M.A. Choudhury, learned Advocate for the private respondents.*

Aggrieved by the encroachments made by the outsiders in the tribal belts and blocks in the State of Assam, which were created in the year 1948 by the Government of Assam, the present Public Interest Litigation (PIL) petition was filed.

A Bench of this Court, vide order dated 09.12.2019 recorded that a Committee was constituted by the Government of Assam under the Chairmanship of Shri H.S. Brahma, IAS (retired) for suggesting measures for the protection of land rights of indigenous people of Assam.

The Committee submitted its report, pursuant to which necessary changes in the Revenue Laws were made and notified.

The provisions contained in Chapter X of Assam Land and Revenue Regulation, 1886 (in short, 'Regulation of 1886'), the State contends, are being implemented in full force.

Some of the non-tribals, who are residents of the area were also granted protection pursuant to the orders of the Supreme Court. Some of them have been impleaded in this PIL petition.

The responsibility has been entrusted upon some of the Deputy Commissioners to ensure full implementation of Chapter X of the Regulation of 1886.

By and large there are no identifiable land alienations because of the proactive steps taken by the Government.

Thus, we do not find it to be necessitous to continue with this PIL petition any further. However, if any breach in that commitment of the State is noticed, it would be open for any interested/public spirited person including the petitioner to file a 2(two) pages affidavit, which would revive this petition.

We hope and trust that the identified encroachers would be removed after observing the due process of law in terms of the Supreme Court judgment.

This PIL petition stands closed."

5. Taking into account that these directions have already been issued by the learned Division Bench of this Court in PIL No.78/2012, this Court does not find it necessary for issuing any further directions except reiterating what have been observed by the learned Division Bench of this Court in PIL No.78/2012 in the order dated 19.01.2026 as quoted herein above.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant