GAHC010119412026

2026:GAU-AS:15477

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

Case No. : WP(C)/4427/2026

KUDDUS ALI AND 6 ORS
S/O. LATE SHUKUR ALI, R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK, P.O- CHIRAKUTI, P.S.- CHAPAR, DISTRICT- DHUBRI, ASSAM PIN--783348

2: KAHINUR ISLAM
S/O. LATE GAJI RAHMAN R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM PIN--783348

3: MOKBUL HUSSAIN
S/O. ROHELA BEWA R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM

4: JOYNUDDIN SHEIKH ALIAS JOINUDDIN SK
S/O. ABDUL BAREK ALIAS BAREK ALI R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM PIN--783348

5: KUTUB UDDIN SHEIKH
S/O. LATE GAJI RAHMAN
R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM PIN--783348

6: ABDUL KADER
YEARS S/O. ABUL HOSEN
R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM PIN--783348

7: KORFUL BEWA ALIAS KORFUL BIBI
W/O. LATE GAJI RAHMAN
R/O. VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O- CHIRAKUTI
P.S.- CHAPAR DISTRICT- DHUBRI
ASSAM PIN--78334

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, JANATA BHAWAN, ASSAM SECRETARIAT COMPLEX, DISPUR, GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
P.W. DEPARTMENT (B)
DISPUR
GUWAHATI-781006.

3:THE DISTRICT COMMISSIONER
DHUBRI
DISTRICT- DHUBRI
ASSAM.

4:THE CO DISTRICT COMMISSIONER
BILASIPARA
P.O- BILASIPARA
DIST- BILASIPARA
PIN--783348

5:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE
CHAPAR
DIST- DHUBRI

6:THE EXECUTIVE ENGINEER (PWD)
DHUBRI
DISTRICT- DHUBRI

Advocate for the Petitioner : MR. M A SHEIKH, MD A S AHMED,DIPALI KALITA

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

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 13.10.2026

1. Heard Mr. MA Sheikh, learned counsel for the petitioners.

2. The petitioners' claims to be the owners and patta holders of the plots of land, which is described as Schedule "A" land in the writ petition.

3. According to the petitioners, they constructed Pacca and Assam Type Houses as well as other structure and also planted many valuable trees. Such land was under acquisition for Assam Thermal Plant. Accordingly, requisition/acquisition process was initiated in terms of Assam Land Requisition and Acquisition Act, 1964.

4. The grievance of the petitioners is that the respondent authorities had granted zirat, to which the petitioners are not satisfied inasmuch as according to them, they are entitled for higher zirat compensation. They represented before the Collector, however, the Collector is sitting over the matter. Accordingly, they have approached this court.

5. This court in exercise of its power of judicial review cannot determine the entitlement of enhanced compensation against zirat. The 1964 Act itself provides remedy in terms of Section 12 of the Act. In terms of Section 12 of the Act, 1964, the Collector in every case where any person is aggrieved by any

award made under sub-section (3) of Section 11 is to refer the matter to the referral court in the event such an application is made.

6. An application was filed on 28.04.2026, addressed to the Co-District Commissioner, Bilasipara, raising dissatisfaction as regards quantum of compensation, however, the same may not in true sense, be treated as an application under section 12.

7. Be that as it may, the present writ petition is disposed of permitting the petitioners to file appropriate application before the appropriate authority, if they are aggrieved by the award passed under the Act, 1964 and in the event, such application is filed, the competent authority shall do the needful, in terms of the provisions of the Act, 1964.

8. With the aforesaid, the writ petition stands disposed of.

9. The entire exercise be carried out within a period of 4 weeks from the date of receipt of a certified copy of this order, subject to preferring appropriate application.

JUDGE

Comparing Assistant