GAHC010199302026

2026:GAU-AS:15191

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

WP(C)/4197/2026

RONGPUR GAON PANCHAYAT AND ANR
REPRESENTED BY ITS PRESIDENT SMTI. JARINA BEGUM LASKAR
WIFE OF ALTAF HUSSAIN LASKAR
R/O VILL. RONGPUR PT. IIP.S. SILCHAR
DIST. CACHAR
ASSAM

2: SMTI JARINA BEGUM LASKAR
WIFE OF ALTAF HUSSAIN LASKAR
R/O VILL RONGPUR PT II
P.S. SILCHAR
DISTRICT- CACHAR
ASSAM. (PRESIDENT
RONGPUR GAON PANCHAYAT)
VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI ROAD
KHANAPARA
GUWAHATI

ASSAM-781037

4:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM-788001

5:THE ADDITIONAL DISTRICT COMMISSIONER
REVENUE SETTLEMENT BRANCH
CACHAR
SILCHAR
ASSAM

6:THE CHIEF EXECUTIVE OFFICER
CACHAR ZILLA PARISHAD
SILCHAR
CACHAR
ASSAM

7:THE ASSISTANT SETTLEMENT OFFICER
SILCHAR
SADAR CIRCLE
CACHAR
ASSAM

8:THE EXECUTIVE ENGINEER
WATER RESOURCE DIVISION
CACHAR
SILCHAR

9:THE BLOCK DEVELOPMENT OFFICER
RONGPUR DEVELOPMENT BLOCK
RONGPUR
SILCHAR
CACHAR
ASSAM

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Advocate for : MR. N H BARBHUIYA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

**BEFORE**
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**JUDGMENT & ORDER**

**06.10.2026**

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioners; Ms. P. Thapa, learned counsel on behalf of Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development [P&RD] Department, Government of Assam for the respondent nos. 1, 3, 6 & 9; Ms. N. Bordoloi, learned Standing Counsel, Revenue and Disaster Management Department, Government of Assam for the respondent no. 2; Mr. B.J. Talukdar, learned Senior Counsel assisted by Mr. P.K. Medhi, learned Junior Government Advocate, Assam for the respondent nos. 4, 5 & 7; and Ms. P. Chakraborty, learned Standing Counsel, Water Resources Department for the respondent no. 8.

2. The petitioner no. 1 is Rongpur Gaon Panchayat and the petitioner no. 2 is its President, who are collectively referred as the petitioner, at places hereinafter, for ease of reference.

3. This writ petition under Article 226 of the Constitution of India is preferred inter alia seeking setting aside and quashing of an Order dated 22.07.2026 [Annexure-13] issued by the respondent no. 7, that is, the Assistant Settlement Officer, Silchar [Sadar] Circle, Cachar whereby an Occupation Certificate issued earlier on 03.02.2026 indicating occupation of the petitioner no. 1 in a parcel of land has been cancelled.

4. On 03.02.2026, the respondent no. 7 had provided information to the effect that a parcel of land measuring 10 Kathas under 2nd R.S. Government Khas Dag no. 15/797 [PT], Mouza - Rongpur Part-II, Pargona – Barakpar [‘the subject-plot’, for short] was reported to have been under the occupation of the Rongpur Gaon Panchayat for its Office. It was mentioned that such information was provided to the petitioner no. 2 as per prayer petition dated 03.02.2026 of the petitioner no. 2.

5. It is the case of the petitioner that after the delimitation exercise carried out prior to Panchayat Election in 2025, Rongpur Gaon Panchayat did not have any permanent Gaon Panchayat Office. Requests were made to the District Revenue authorities from time to time

to allot a parcel of Government Khas land to the Gaon Panchayat for setting up its Permanent Office. On 03.12.2025, a Representation was submitted before the respondent no. 4 highlighting that there was no Gaon Panchayat Office within the territorial jurisdiction of Rongpur Gaon Panchayat and the activities were being conducted from a private house which had caused inconvenience to the inhabitants of the Panchayat's Gaon Panchayat and to the elected members of the Gaon Panchayat to carry out administrative activities. Identifying an available parcel of Government khas land within Mouza - Rongpur Part-II, Pargona – Barakpar which would be suitable for construction of the office of the Gaon Panchayat and would lead to improved accessibility it was represented that the same be made available to the Gaon Panchayat. By the Representation, a request was made to allocate the said identified parcel of land for construction of the office of the Rongpur Gaon Panchayat.

6. During the subsequent period, the petitioner set-up a temporary Gaon Panchayat Office on the subject-plot with bamboo fencing. On a Republic Day, the temporary office was also inaugurated and since then, all official works of the Gaon Panchayat are being conducted from the said Office.

7. With the above projections, the present writ petition has been preferred also for a direction to the respondent authorities to forthwith allot and demarcate the subject-plot measuring 10 Kathas in favour of Rongpur Gaon Panchayat and also, for a direction to sanction and release necessary funds for construction of the Permanent Office building for the Rongpur Gaon Panchayat on the subject-plot.

8. Ms. Chakraborty, learned Standing Counsel, Water Resources Department has submitted that the construction of the Gaon Panchayat Office has been made not only on an embankment [dyke] which has been constructed to protect greater Rongpur and its adjoining areas from flood water of River Madhura but also without permission of the Water Resources Department.

9. Mr. Talukdar, learned Senior Counsel appearing for the respondent nos. 4, 5 & 7 has referred to the statements and averments made in the affidavit filed by the respondent no. 7

to submit that occupation of the subject-plot in the form of a temporary structures was noticed during a field verification by the Land Records staff and it was thereafter, the information regarding land occupation was issued by the respondent no. 7 on 03.02.2026. However, when it was informed to the respondent no. 7 by the respondent no. 8 by an Office Letter dated 10.06.2026 that the construction of the temporary office of Rongpur Gaon Panchayat was on an embankment [Dyke along L/B Madhura River] and there was imminent threat of inundation of greater Rongpur and adjoining areas from flood waters due to the damages caused to the dyke by the illegal construction of the temporary structures, an enquiry was conducted by the Land Records staff and on the basis of the findings of the field enquiry, the Occupation Certificate dated 03.02.2026 was cancelled on 22.07.2026. He has submitted that the construction of temporary structures in the name of setting up office of Rongpur Gaon Panchayat at the present location is unauthorized.

10. It is noticed from materials placed before the Court on behalf of the respondent Water Resources Department, Government of Assam that an embankment, 'Dyke along L/B of Madhura from Khoril TE to outfall of Borak' was constructed along the left bank of River Madhura with the objective to protect greater Rongpur and its adjoining areas from inundation by flood water of River Madhura. The respondent no. 8 by an Office Letter of even date wrote to the Circle Officer, Silchar Sadar Silchar Revenue Circle to bring to his notice that structures were made in the name of Rongpur Panchayat Office on the Dyke without prior permission from the Water Resources Department and such construction had damaged the Dyke thereby, causing threat to the Water Resources structure as well as the adjoining areas. It was highlighted that if the structures were not removed from the Dyke, the obstruction created might be a cause for any disaster in near future. A request was made to take necessary steps for removing the illegal structures from the Dyke at Rongpur area so as to avoid any disaster like situation.

11. In the affidavit of the respondent no. 7, it is averred that a proposal in favour of Rongpur Gaon Panchayat Office for allotment of a parcel of land covered by 2$^{nd}$ R.S. Government Khas Dag no. 789 at Pargona – Barakpar, Mouza – Rongpur Part-II has been prepared and forwarded to the respondent no. 5 on 24.08.2026 and the said proposal for

allotment is yet to be placed before the jurisdictional Sub-Divisional Land Advisory Committee.

12. As mentioned above, Representation was made by the petitioner Rongpur Gaon Panchayat for allotment of a parcel of land within Pargona – Barakpar, Mouza – Rongpur Part-II for setting up its Permanent Office on 03.12.2025. From the affidavit of the respondent no. 7, it is evident that the said request for allotment of land for setting up of the Gaon Panchayat Office has been duly considered and a proposal for allotment of a parcel of Government Khas land in favour of Rongpur Gaon Panchayat covered by 2nd R.S. Government Khas Dag no. 789 at Pargona – Barakpar, Mouza – Rongpur Part-II has already been prepared and forwarded to the respondent no. 5 for placing it before the jurisdictional Sub-Divisional Land Advisory Committee. The proposal has not yet been considered by the jurisdictional Sub-Divisional Land Advisory Committee. But, the same is likely to be considered within a short time.

13. In so far as the temporary structures constructed by the petitioner Rongpur Gaon Panchayat is concerned, it is evident from the averments made in the writ petition itself that due to non-availability of any Permanent Office building of Rongpur Gaon Panchayat, it had set up the temporary Gaon Panchayat Office with bamboo fencing and tin shed at the present location on a parcel of land measuring 10 Kathas. On the said parcel of land, an embankment, namely, 'Dyke along L/B of Madhura from Khoril TE to outfall of Borak' was along left bank of River Madhura with the objective to protect the greater Rongpur and its adjoining areas from flood waters of River Madhura is in existence. It has also emerged that the temporary structures have been constructed in the name of Rongpur Gaon Panchayat Office on the Dyke without prior permission from the Water Resources Department. Such illegal and unauthorized construction has the potential to damage the Dyke resulting in threat to the Water Resources structures as well as to the areas of greater Rongpur and its adjoining areas.

12. It has been highlighted on behalf of the Water Resources Department that if the structures are not removed from the Dyke, the structure might be a cause for any disaster in the near future. When the aforesaid facts were brought to the notice of the respondent no. 7

by the respondent no. 8 vide an Office Letter dated 10.06.2026, the impugned Order dated 22.07.2026 came to be passed whereby the earlier Certificate issued by the respondent no. 7 on 03.02.2026 acknowledging occupation of the subject-plot has been recalled. As the temporary office has been set up by the petitioner Rongpur Gaon Panchayat on a Dyke, such action on the part of the petitioner Rongpur Gaon Panchayat at the behest of the petitioner no. 2 who is the President of Rongpur Gaon Panchayat cannot be countenanced as the petitioner Rongpur Gaon Panchayat being a Panchayati Raj Institution, is not supposed to set up its office, be it temporarily, on a Government Khas land, that too, on an embankment which has been constructed to prevent flood waters from entering into the greater Rongpur and its adjoining areas, without any kind of permission from the competent authority. Therefore, the direction to set aside the impugned Order dated 22.07.2026 passed by the respondent no. 7 is found unmerited. The direction sought for by the petitioners to allocate and demarcate the subject-plot measuring 10 Kathas which fall within the embankment, referred above, is also not called for.

13. It is noticed that a proposal has already been initiated for allotment of a parcel of Government Khas land in favour of the petitioner Gaon Pachayat. Therefore, the petitioner Gaon Panchayat has to wait for finalization of such allotment proposal instead of operating its office from the present location in an unauthorized manner.

14. Consequently, the writ petition is found to be devoid of any merits and is liable to be dismissed. It is accordingly dismissed. Resultantly, the State respondents are to take appropriate measure to remove the unauthorized structure from the embankment at the earliest, if the petitioners do not remove unauthorized structures set up for running the Panchayat Office from the subject-plot within a period of one month from today.

**JUDGE**

**Comparing Assistant**