GAHC010230742016

2026:GAU-AS:9676

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

Case No. : WP(C)/6616/2016

MD. RAFIQUDDIN and 9 ORS.
S/O. LT. DEVANATH ULLAH

2: MUSTT. SARUTUN NESSA
S/O. LT. HABIB ALI

3: MD. AFTABUDDIN ALI

S/O. LT. AYUB ALI

4: MD. AKADDAS ALI

S/O. LT. ARAB ALI

5: MAINUDDIN @ MAJIBAR RAHMAN
S/O. MD. MAJUR ALI

6: KUTUB ALI @ FAZIR ALI
S/O. LT. BHERAI MIA

7: MD. SAMSUL HOQUE
S/O. ABDUL KADIR

8: SALIM HUSSIN NOTICE SENT AFTABUDDIN
S/O. LT. TANJID ALI

9: MUBARAK ALI
NOTICE TO KUTUB ALI
S/O. LT
HAJI SHAKIR ALI CHOUDHURY

10: JALALUDDIN
S/O. LT. SARAFUTULLA NOTICE TO SARAFUTULLAH ALL ARE OF VILL.
PACHIM DHANI RAM PATHAR

MOUZA-HOJAI
P.S. HOJAI
DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY COMM. and SECY. TO THE GOVT. OF ASSAM, REVENUE DEPTT., DISPUR, GHY.-06.

2:THE DY. COMMISSIONER

HOJAI.

3:THE ADDL. DEPUTY COMMISSIONER

HOJAI CUM S.D.O. C.

4:THE CIRCLE OFFICER

HOJAI REVENUE CIRCLE
HOJAI

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocates for the petitioner(s) : Mr. AA Dewan

Advocates for the respondent(s) : Mr. J Handique
Standing Counsel
Revenue Department,
Govt. of Assam
Mr. SR Baruah
Government Advocate

Date on which Judgment is reserved: NA

Date of Pronouncement of Judgment : **06.10.2026**

Whether the Pronouncement is of the : Yes

Operative Part of the Judgment

Whether the Full Judgment has been Pronounced : No

JUDGMENT & ORDER(ORAL)

Heard Mr. AA Dewan, the learned counsel appearing on behalf of the Petitioners. I have also heard Mr. J Handique, the learned Standing Counsel, Revenue Department, Govt. of Assam who appears on behalf of Respondent No.1 and Mr. SR Baruah, the learned Government Advocate, Assam, who appears on behalf of the Respondent Nos.2, 3 and 4.

2. The present writ petition has been filed by the Petitioners being aggrieved by the inaction on the part of the Respondent Authorities in considering the case for settlement of land with the petitioners in spite of a specific direction being passed by the learned Coordinate Bench of this Court in the order dated 28.06.1994 in Civil Rule No. 2414/1994.

3. The petitioners herein are residing in a plot of land covered by Dag No. 15 of West Dhani Ram Pather Kisamat of Hojai Mouza in the district of Hojai. The area of occupation of the Petitioners is 3 Bighas, 2 Kathas and 8 Lechas.

4. The Petitioners had submitted applications for settlement in the year 1990. While the consideration of the Petitioners application were pending, Notices were issued under Rule 18(2) of the Settlement Rules for eviction of the Petitioners.

5. The Petitioners approached the learned Assam Board of Revenue

challenging those Notices in Case No.29 RA (N)/1992. The learned Assam Board of Revenue vide an order dated 31.12.1992, interfered with those Notices and directed that the applications so submitted by the Petitioners for settlement be considered in terms of the Government Land Settlement Policy.

6. In spite of the said order passed by the learned Assam Board of Revenue, the Deputy Commissioner /Sub-Divisional Officer issued Notices under Rule 18(2) of the Settlement Rules, which necessitated the Petitioners to approach this Court by filing a writ petition, which was registered and numbered as Civil Rule No.2414/1994.

7. The learned Coordinate Bench of this Court, vide an order dated 28.06.1994, set aside those Notices issued under Rule 18(2) of the Settlement Rules and further directed the Deputy Commissioner to consider the claim of the Petitioners and dispose of the matter as early as possible, at any rate within a period of 2(two) months from the date of the said order. It was also mentioned that in the meantime, the Petitioners should not be evicted.

8. The record reveals that thereupon no steps were taken for disposing of the applications submitted by the Petitioners for settlement, and the Petitioners continued to reside in the said Dag No.15.

9. The Petitioners thereupon have been enquiring on various occasions as to what is the fate of their applications seeking settlement and as no steps were taken by the District Administration, the Petitioners, therefore, approached this Court by filing the present writ petition on 03.10.2016.

10. The record reveals that the learned Coordinate Bench of this Court vide an order dated 03.02.2017, issued notice. 9(nine) years have passed by, the Respondents, however, had not responded to the writ petition.

11. Today, when the matter is being taken up, Mr. J. Handique, the learned counsel appearing on behalf of the Respondents placed an instruction dated 18.05.2017 wherein it is mentioned that the Dag No. 15 of West Dhani Ram Pather Kisamat in the district of Hojai is recorded as a VGR (Village Grazing Reserve), and, therefore, such land cannot be settled.

12. It is under such circumstances, this Court has taken up the present proceedings for final disposal.

13. The records reveal from the very Notices which have been issued under Rule 18(2) of the Settlement Rules and the order which was passed by the learned Assam Board of Revenue as well as by the learned Coordinate Bench of this Court that the Petitioners as on date have been residing over Dag No. 15 for the last more than 36 years.

14. There has been no action on the part of the Respondent Authorities to consider the applications filed by the Petitioners for settlement. In the meantime, the Assam Land Policy of 1989 has now been replaced by the Assam Land Policy of 2019.

15. In view of the judgment of the Supreme Court in the case of ***Jagpal***

Singh and Others Vs. State of Punjab and Others, reported in ***(2011) 11 SCC 396***, the question of the Petitioners being granted settlement over the land, (provided the same being VGR) does not arise.

16. Be that as it may, if the Petitioners are indigenous landless cultivators, the Petitioners have right of being considered for settlement of land in Rural Areas in terms of the Assam Land Policy of 2019. It is also the requisite that for applying for settlement as on date, there is a requirement for submitting such application through the *Sewa Setu Portal*.

17. Considering the above, this Court, therefore, disposes of the instant proceedings with the following observations and directions:

(i). The Petitioners herein are granted the liberty to file applications in the *Sewa Setu Portal* for settlement of land in terms with the Assam Land Policy of 2019.

(ii). In the circumstance, the lands under the occupation of the Petitioners are Village Grazing Reserve which cannot be settled, this Court directs the Respondent Authorities, more particularly, the Respondent Nos.2, 3, and 4, to consider the settlement of the Petitioners in some other lands in the Rural Areas, provided the Petitioners satisfy the requirement that they are indigenous, landless cultivators.

(iii). It is further observed that while considering the case of the Petitioners for settlement, the order passed by the learned Assam Board of Revenue dated 31.12.1992, the order passed by the learned Coordinate Bench dated 28.06.1994 in Civil Rule No. 2414/1994, and the directions so passed in the present judgment and order shall be duly taken note of.

(iv). This Court further directs that as no steps have been taken by the Respondents since 1994 to carry out any eviction of the Petitioners, the Respondent Authorities shall not evict the Petitioners till the disposal of the applications submitted for settlement.

JUDGE

Comparing Assistant