GAHC010238352026

undefined

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

Case No. : WP(C)/6043/2026

ABUL KASEM ZODDAR
SO LT. HASEN ALI ZODDAR, RESIDENT OF VILL- ALOMGANJ PT. IX, (JHORNARPAR), P.O- ALOMGANJ, P.S- GAURIPUR, DIST. DHUBRI, ASSAM, PIN 783339.

2: HANIF ALI
SO HUZUR ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

3: ALI HUSSAIN
S/O BARKAT ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

4: JOYEN UDDIN MOLLAH
S/O KHOLILUR RAHMAN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

5: NUR UDDIN SHEIKH
S/O LT OSIM UDDIN SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

6: DALIMON BEWA
W/O SONAULLAH MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

7: TARABHANU
C/O ABDUS SAMAD MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

8: WAZEDA KHATUN
W/O ABDUS SAMAD MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

9: SARKAR UNUS MONDAL
CO JOYENUDDIN MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI

ASSAM
PIN 783339.

10: WAHEDUR MONDAL
C/O ALI HUSSAIN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

11: MOZIBOR SK
S/O MOKSED ALI SK
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

12: MINARA KHATUN
W/O LALCHAND SK
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

13: MUSA SHEIKH
S/O MOKSED ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

14: KAINSA MONDAL
S/O SORMAN MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ

P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

15: NUR ISLAM SHEIKH
C/O WAHEDUR MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

16: SADEK ALI
S/O RAHAM ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

17: JAHANARA BIBI
W/O LT. ISMAIL HUSSAIN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

18: NUZRUL ISLAM
S/O JOYEN UDDIN MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

19: SOFIOR RAHMAN
S/O LT. MD. PASHAN SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX

(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

20: INNUS PARAMANIK
C/O SADEK ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

21: AYMONA BIBI
W/O SATTAR MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

22: ABDUL JOLIL SHEIKH
S/O LT. KANGAL SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

23: AJIT SHEIKH
S/O ABDUL JOLIL SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

24: ALLADI BIBI

W/O LT. HALIM PARAMANIK
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

25: RASHID ALI
S/O SABDER ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

26: HASEN ALI
S/O JURAN ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

27: SATTAR
S/O HAJI HATIM ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

28: JOHIRUL HOQUE SHEIKH
S/O KASHEM ALI SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

29: SOBAL HOQUE
S/O ATOWAR RAHMAN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

30: MORJINA KHATUN
W/O SANOWAR HUSSAIN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

31: HASHMOT ALI
S/O KUDDUS ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

32: ABDUR RAHIM SHEIKH
S/O JILU HUSSAIN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

33: ASMAT ALI
S/O INTAZ ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI

ASSAM
PIN 783339.

34: AMIRUL MOLLAH
S/O SATTAR MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

35: SONABHANU KHATUN
W/O A. JALIL SHEIKH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

36: JAHIRUL ISLAM
S/O SHAWKAT ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

37: KALAM UDDIN MOLLAH
S/O LT. FAZAR ALI MOLLAH
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

38: MONOWAR HUSSAIN
S/O AJIM UDDIN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ

P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

39: SHOHIDUR ISLAM
S/O FULCHAND ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

40: ABDUL HAMID MONDAL
S/O ABDUL KUDDUS MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

41: HARAN ALI SK
S/O SAKIR SK
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

42: DOYAL SK
S/O KUDDUS ALI
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

43: AIN UDDIN SK
S/O SAMSUL HOQUE
RESIDENT OF VILL- ALOMGANJ PT. IX

(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

44: ABDUL KADER MONDAL
S/O ABDUR REZZAK MONDAL
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339.

45: SHOFIQUE AHMED
S/O LT. ATOWAR RAHMAN
RESIDENT OF VILL- ALOMGANJ PT. IX
(JHORNARPAR)
P.O- ALOMGANJ
P.S- GAURIPUR
DIST. DHUBRI
ASSAM
PIN 783339

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DISPUR, GHY-6.

2:THE COMMISSIONER SECRETARY
THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY-06.

3:THE DISTRICT COMMISSIONER
DHUBRI
DIST- DHUBRI
PIN- 783301.

4:ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
DHUBRI
P. O AND P.S-DHUBRI
DIST. DHUBRI

ASSAM
PIN-783301.

5:THE SETTLEMENT OFFICER
DHUBRI
DIST- DHUBRI
PIN- 783301

6:THE CIRCLE OFFICER
GAURIPUR REVENUE CIRCLE
DIST-DHUBRI
ASSAM
PIN-783331.

7:THE OFFICER-IN-CHARGE
GAURIPUR POLICE STATION
DIST-DHUBRI
ASSAM
PIN-783331.

8:THE LAND ADVISORY COMMITTEE
DIST. DHUBRI
REPRESENTED BY ITS CHAIRMEN CUM DISTRICT COMMISSIONER
DHUBRI
ASSAM.

9:THE MEMBER SECRETARY LAND ADVISORY COMMITTEE
DIST- DHUBRI CUM-ADDITIONAL DISTRICT COMMISSIONER REVENUE
DHUBRI
ASSAM.

10:SRI ASWINI RAY SARKAR
CABINET MINISTER-CUM-MLA
GOLAKGANJ LAC
ASSAM
QUARTER NO. 93
OLD MLA
HOSTEL
DISPUR
GHY- 06.

11:RAKIBUL HUSSAIN
MEMBER OF PARLIAMENT
DHUBRI LOKA SHABA CONSTITUENCY
DHUBRI
ASSAM
BIMALA BORA ROAD
P.O AND DIST. NAGAON

PIN-782001.

12:WAZED ALI CHOUDHURY
MLA
9 BIRSHING LAC
ASSAM
E-8
OLD MLA HOSTEL
DISPUR
GHY- 06.

13:ABDUS SOBAHAN ALI SARKAR
MLA GAURIPUR LAC
ASSAM
VILL-DIGHALTARI
P.O- DIGHALTARI
P.S- GOLAKGANJ
DIST DHUBRI
PIN 783335.

14:BABY BEGUM
MLA DHUBRI LAC
ASSAM
RO VILL AIRANJANGALA PT III
PO A M CO. ROAD
PS AND DIST DHUBRI
ASSAM
PIN 783323

15:THE CHAIRMAN
DHUBRI ZILA PARISAD
ZILAPARISHAD BHAWAN
DIST DHUBRI
ASSAM
PO AND PS AND DIST DHUBRI
ASSAM
PIN 783301

Advocate for the Petitioner : MR. M U MONDAL, MR K ISLAM,MR A ALIM SK,MR. A W MONDAL
Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

06.11.2026

1. Heard Mr. M. U. Mondal, learned counsel for the petitioner and Mr. R. Borpuzari, learned counsel appearing for the respondent Nos. 1 to 9.

2. The petitioner's ancestors were flood-affected persons who came to reside in the village Chalakura Part III, Brishing Char, Bhorovita, Bawushkata, Prohoritari NC, Borairalga, Ghagmari, Tindubi, Bhogdohor, Majerchar, Bondhihana and Shalkata. These properties were eroded by the river and they became indigenous landless persons and they shifted to village Alomganj Pt-IX (Hazarijorna) w.e.f. 1965 onwards and presently they are residing at a village in Alomganj Pt-IX by constructing dwelling houses over the plot of land.

3. Thereafter notices came to be issued by the District Commissioner, Dhubri alleging that the petitioners were encroachers on Government Khas land in Vill-Alomganj Pt-IX (Jhornarpar) under Gouripur Revenue Circle, District-Dhubri and as to why they should not be evicted from the Government land under their occupation. They were given reasonable time to file their written statements or representations.

4. Upon examining the claims made by the petitioners, their claims came to be rejected by the District Commissioner, Dhubri. These speaking orders were passed by the District Commissioner, Dhubri under Rule 18 of the Settlement Rules framed under the Assam Land Revenue Regulation, 1886 and the relevant provisions of Land Policy of Assam, 2019 and had declared that the applicant has no right to continue in the possession over the Government land under their occupation and they are liable to be evicted. Individual orders were passed by the District Commissioner rejecting the claims of the writ petitioners who are before this Court. Being aggrieved, the present writ petition is filed.

5. It is submitted by Mr. Mondal that an appeal has also been preferred before the Commissioner and Secretary, Department of Revenue and the same has been

pending.

6. Mr. Borpuzari submits that he has no instructions as to the status of the appeals being filed before the Authority and he would like to complete his instructions.

7. Upon hearing the counsel for the parties and upon perusal of the speaking orders passed by the District Commissioner, it is seen that these orders are passed under Rule 18 of the Assam Settlement Rules under the Assam Land Revenue Regulation, 1886 read with the Land Policy of Assam, 2019. Under the Assam Land Revenue Regulation any orders passed by the District Commissioners are appealable before the Assam Board of Revenue which is an established forum for appeals against such orders passed by the District Commissioner, Dhubri.

8. Mr. Mondal, learned counsel for the petitioner submits that although an appeal is preferred but the same is before the Commissioner and Secretary, Department of Revenue, Government of Assam.

9. This in the view of the Court would not be an appeal preferred by the petitioners against the impugned speaking orders before an appropriate forum established under the law as prescribed under the Assam Land Revenue Regulation, 1886. The forum for appeal under the Land Revenue Regulation, 1886 is the Assam Board of Revenue before which the petitioners are entitled to file their appeals, if they so advised.

10. Mr. Mondal submits that if the Court permits they would like to approach the Revenue Board, however, there is serious apprehension that before such appeal could be filed and before any such orders could be sought for from the Revenue Board, the Departmental Authorities may proceed to evict the petitioners on the basis of these speaking orders which are passed.

11. Considering the submissions made and the position in law as also the

apprehension expressed by the writ petitioners, this Court is of the view that ends of justice will be met if the petitioners are permitted to file respective appeals before the Assam Board of Revenue within a period of two weeks from today and thereupon make such prayers before the competent authorities.

12. The Assam Board of Revenue is requested to examine the individual claims of such persons affected and who file such appeals before the Board and pass appropriate orders as deemed fit and proper as per the provisions of law. This view of the Court is arrived at as the Land And Revenue Regulation do not prescribe for filing appeals before the Commissioner and Secretary, Department of Revenue and Disaster Management, Government of Assam.

13. Considering the same, this Court permits the writ petitioners to withdraw the appeals filed before the Commissioner and Secretary, Department of Revenue and refile the same before the Assam Board of Revenue within a period of two weeks from today and thereafter, the Revenue Board will examine the matters and pass appropriate orders as deemed fit and proper on the claims raised by the petitioners.

14. Meanwhile, it is directed that till 7th of December the respondent authorities will not proceed to evict the writ petitioners on the basis of the individual speaking orders passed by the District Commissioner, Dhubri in respect of each of these writ petitioners.

15. The petitioners are at liberty to produce a copy of this order before the Revenue Board, if so advised.

16. Accordingly, this petition stands disposed of at this stage in terms of the above order.

JUDGE

Comparing Assistant