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

Case No. : WP(C)/6026/2026

AYNAL HOQUE AND 4 ORS.
SON OF- LATE HAJRAT ALI

2: NUR UDDIN AHMED
SON OF- RAJAB ALI

3: ABU SAYED AHMED
SON OF- NIJAMUDDIN AHMED

4: MONOWARA KHATUN
WIFE OF- JIKIR ALI MONDAL

5: HAREJ UDDIN
SON OF- HARAN SK.
ALL ARE RESIDENT OF VILL.- ALOMGANJ PART- VII
P.O.- ALOMGANJ
P.S.- GAURIPUR
DISTRICT- DHUBRI
ASSAM. PIN-78333

VERSUS

THE STATE OF ASSAM AND 5 ORS.
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT
SETTLEMENT BRANCH, DISPUR, GUWAHATI- 06.

2:THE DIRECTOR
LAND RECORD AND SURVEYS ETC
RUPNAGAR
GUWAHATI- 32

3:THE DISTRICT COMMISSIONER
DHUBRI

ASSAM. PIN- 783301

4:THE ADDL DISTRICT COMMISSLONER
(REVENUE)
DHUBRI ASSAM. PIN-783301

5:THE CIRCLE OFFICER
GAURLPUR REVENUE CIRCLE
DHUBRL
ASSAM. PIN- 783331

6:THE ASSISTANT SETTLEMENT OFFICER
GAURLPUR REVENUE CIRCLE
DHUBRI
ASSAM. PIN-78333

Advocate for the Petitioner : MR. L R MAZUMDER, MD S A MONDAL,MR. A ISLAM

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

11.11.2026

Heard Mr. L. R. Mazumder learned counsel for the petitioners. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department.

2. The petitioners before this Court is aggrieved by the individual speaking order passed by the District Commissioner, Dhubri holding that the writ petitioners have no right to continue in possession over the Government land under their occupation and therefore they are liable to be evicted from the said government land.

3. The learned counsel for the petitioners submits that there are five writ

petitioners before this Court, and that individual notices were issued on 10.07.2026, pursuant to which it is submitted that all the relevant papers including their individual allotment orders, whereby the government had permitted them to occupy the land mentioned in the said allotment certificate and since then they have been in occupation over the said land. It is submitted that the allotment certificates were issued as far back as 1990 and that all revenue dues were being regularly paid. It is therefore submitted that the impugned order issued by the District Commissioner Dhubri under powers of Regulation 18 of the Assam Land and Revenue Regulation Act, putting them to be encroachers is completely contrary to facts and law. Being aggrieved, the petitioners are before this Court.

4. Ms. G. Hazarika, learned Standing Counsel, Revenue Department submits that she would like to complete her instructions in the matter. However, during the submissions made before this Court it was pointed out that there is an Appellate Forum before the Assam Board of Revenue as per the provisions of the Assam Land and Revenue Regulation, 1886.

5. Accordingly, this Court considers it appropriate to accept the submissions of the learned counsel for the Respondents, in view of the fact that the issues urged before this Court primarily that the petitioners were on government land which were allotted to them as far back as 1990 and therefore the impugned speaking order passed individually against each of the petitioners, treating them to be encroachers, is sought to be interfered with and will require evidence and relevant documents including perusal of the relevant records that may be available in the Revenue Department. Since there is a statutory forum for an

appeal before the Assam Board of Revenue and the appellate forum would be able to examine the matter in great detail and pass appropriate orders, therefore this Court is of the considered view that the petitioners be permitted to file their appeal before the Assam Board of Revenue. If, any such appeal is filed, the Assam Board of Revenue will examine the matter as per the procedure of law and upon hearing the parties in the appeal, will pass a speaking order in such matters and the Board of Revenue will also consider prayers for interim relief as may be permissible under law and as may be made by the appellant before the Revenue Board.

6. This writ petition, therefore stands closed, permitting the petitioners to file appeal before the Assam Board of Revenue within a period of 10 (ten) days.

7. The petitioners will proceed to file the appeals as permitted, and the impugned order passed by the District Commissioner, Dhubri including the steps for eviction in terms of the eviction notice shall not be enforced without issuing notice against each of the petitioners till 25.11.2026.

JUDGE

Comparing Assistant