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

Case No. : WP(C)/6141/2026

SHORIF UDDIN
S/O- LATE. ABDUL KHALEK

2: NARUL ALI
S/O- LATE CHIRAJ ALI

3: ABDUL SALAM ALIAS ABDUL CHALAM
S/O-LATE AKKACH ALI

4: NOOR MAHAMMAD ALIAS NURMAHAMMAD
S/O- SAMSER ALI

5: RAFIJUL HAQUE ALIAS RAFIQUL ISLAM
S/O- LATE NUR MAHAMMAD

6: JAMAL UDDIN
S/O- LATE MAHAR UDDIN

7: RAMHAN ALI ALIAS RAMJAN ALI
S/O- LATE MAHAR UDDIN

8: JALAL UDDIN
S/O- LATE AMSAR ALI

9: SORIFUL ISLAM ALIAS SIRAUL ISLAM
S/O- LATE HANIF ALI

10: CHAIDUL ISLAM
S/O- LATE NUR MAHAMMAD

11: SAIDUL ISLAM ALIAS SAIDUL ALI
S/O-LT. ABDUL KADIR

12: MOIDUL ISLAM

S/O-LATE JAHUR ALI

13: NIJAMUDDIN
S/O-LATE CHAYAB ALI

14: KURJAT ALI
S/O- LATE SHAHED ALI

15: MUKTAR HUSSAIN
S/O- SAYED ALI

16: MANJUR RAHMAN
S/O-LT. JALILUR RAHMAN

17: UMAR ALI
S/O. LATE ABDUL MANNAN

18: MUJAMMIL HOQUE
S/O. MOHAMMAD ALI .

ALL ARE RESIDENTS OF VILLAGE 9/6 KOILAMARI
P.S.-NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM and others
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPTT. DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC
ASSAM
RUPNAGAR
GUWAHATI-32.

3:THE DISTRICT COMMISSIONER
LAKHIMPUR
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM. PIN-787001.

4:THE CIRCLE OFFICER
NORTH LAKHIMPUR REVENUE CIRCLE
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM PIN-78700

Advocate for the Petitioner : MD. A HUSSAIN, MR. P K ROYCHOUDHURY,MR. T ISLAM,MR. K ALOM

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, GA,ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

11.11.2026

Heard Mr. P.K. Roy Choudhury, learned Senior counsel assisted by Mr. A Hussain, learned counsel for the petitioners.

The petitioners are aggrieved by the orders issued by the Circle Officer, North Lakhimpur Revenue Circle on 30.10.2026 in respect of the representations filed by the petitioners. These orders were passed in deference to the Judgment dated 18.09.2026, 23.09.2026 and 15.10.2016 passed in W.P(C) No. 5138/2026, W.P(C) No. 5174/2026 and W.P(C) No. 5803/2026 respectively by the Hon'ble Gauhati High Court. By the impugned orders, the representations have been rejected and the claims of the petitioners have not been sustained. The circle officer held that the petitioners are found to be in occupying government khas land without any lawful authority and therefore they are directed to be evicted from the government khas land within 15 days. Pursuant thereto, the notices were issued by the Office of the District Commissioner and the eviction proceedings are initiated where the dates reflected in so far as the petitioner No. 4 is concerned, the date of eviction is on 14.11.2026, in respect of the Revenue Circle, North Lakhimpur and the area being 9/6 Kolamari. Being aggrieved, the present writ petition has been filed.

Mr. R Borpujari, learned Standing Counsel, Revenue submits that there is an efficacious alternative remedy prescribed under the Revenue Regulations 1986,

and the petitioners are entitled to file their appeals before the respective District Commissioner, North Lakhimpur.

The submission of the counsel is noted, and it is seen from the Revenue Regulations that there is indeed a provision for an appeal before the District Commissioner against the orders passed by the concerned Circle officer.

The learned senior counsel Mr. P.K. Roy Choudhury submits that in that event the petitioners be permitted to file their appeals before the District Commissioner, North Lakhimpur. However, till the time these appeals are decided by the authorities concerned, the eviction process be stayed.

Considering the submissions made and the court is of the considered view that in the face of the provisions available, the Revenue Regulations for filing an appeal, petitioners are permitted to file their respective appeals before the District Commissioner, North Lakhimpur within a period of 2 weeks from today.

The District Commissioner will consider the matter and pass appropriate orders upon hearing the petitioners.

The writ petition therefore stands closed, permitting the petitioners to file necessary appeal before the district commissioner, North Lakhimpur within 2 weeks from today. Once the appeals are filed, it will be available for the District Commissioner to consider the prayers made of the petitioners for passing any interim orders or stay with regard to the eviction process undertaken.

Accordingly, the writ petition stands disposed of.

Till 30.11.2026, the eviction process shall remain stayed.

Needless to say, upon the appeals being filed, the District Commissioner will consider the prayer for stay as may be projected by the petitioners.

JUDGE

Comparing Assistant