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

Case No. : WP(C)/6191/2026

JAHAN UDDIN
S/O. LATE KOMOL SK. ALL R/O. VILLAGE ALOMGANJ PT.VII, PO-ALOMGANJ, DISTRICT DHUBRI, ASSAM, PIN 783339.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, LAND AND REVENUE (REGISTRATION) DEPARTMENT, DISPUR, GUWAHATI - 6.

2:THE DISTRICT COMMISSIONER

DHUBRI
PO AND DIST. DHUBRI
ASSAM
PIN 783301.

3:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
DHUBRI
PO AND DIST. DHUBRI
ASSAM
PIN 783301.

4:THE SETTLEMENT OFFICER

DHUBRI SETTLEMENT OFFICE
P.O. AND DISTRICT DHUBRI
ASSAM
PIN 783301.

5:THE CIRCLE OFFICER

GAURIPUR CIRCLE
DHUBRI
P.O. AND DISTRICT DHUBRI
ASSAM
PIN 783301

Advocate for the Petitioner : MR. M ISLAM, MS A KHATUN

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

13.11.2026

Heard Mr. M. Islam, learned counsel for the petitioner.

2] The petitioner is in possession and occupation of a plot of land measuring 15 lechas, covered by old Dag No. 4 (part), corresponding to new Dag No. 22 (part), situated at Alomganj Part-VII, Dhubri, which was allotted to Sri Anil Kumar Ghosh vide allotment certificate dated 17.03.1990. The petitioner was permitted to reside on the land in 1995 and was subsequently entrusted with its care. With the allottee's permission, he developed the land, constructed a house and started a shop for his livelihood, remaining in occupation for over three decades. A notice dated 10.07.2026, bearing No. DRS-53/2026, was issued to the petitioner alleging unauthorised occupation of Government Khas land under Rule 18(2) of the Assam Land and Revenue Regulation, 1886. The petitioner submitted a representation dated 24.07.2026, enclosing the allotment certificate and asserting the legality of his occupation. However, the District Commissioner, Dhubri, vide impugned order bearing No. DRS-53/2026, rejected his claim on

the ground that the allotment certificate was not relatable to the land in question and declared him an illegal encroacher liable to eviction. The order was served upon him on 04.10.2026. Being aggrieved, the present writ petition has been filed.

3] Mr. R. Borpujari, learned Standing Counsel, Revenue submits that there is an efficacious alternative remedy prescribed under the Revenue Regulations 1986, and the petitioner is entitled to file their appeals before the Revenue Board.

4] The submission of the learned counsel is noted. It is seen from the Revenue Regulations that there is indeed a provision for an appeal before the Appellate Authority namely the Assam Board of Revenue.

5] The learned counsel for the petitioner also submits that in view of the statutory remedy prescribe the petitioner be permitted to file their appeals before the Assam Board of Revenue. However, till the time the appeal is decided by the authorities concerned, the eviction process be stayed.

6] Considering the submissions made, this Court is of the considered view that in the face of the provisions available in the Revenue Regulations for filing an appeal, petitioner is permitted to file his appeal before the Board of Revenue, Assam within a period of 2 weeks from today.

7] The Assam Board of Revenue will consider such appeals as may be filed by such appellant and thereafter, pass appropriate orders upon hearing the

petitioner.

8] This writ petition therefore stands closed, permitting the petitioner to file necessary appeal before the Board of Revenue within 2 weeks from today. Once the appeal is filed, it will be available for the Board of Revenue to consider the prayers made by the petitioner for passing any interim orders or stay with regard to the eviction process undertaken.

9] Accordingly, this writ petition stand disposed of.

10] Status quo shall be maintained between the parties till 02.12.2026.

11] Needless to say, upon the appeal being filed, the Board of Revenue will consider the prayer for stay as may be projected by the petitioner.

JUDGE

Comparing Assistant