

GAHC010121722020



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

**Case No. : WP(C)/3715/2020**

MONMIL BORO AND 10 ORS.

S/O- LATE RAMCHARAN BORO, R/O- VILL.- ULUBARI (BIRUBARI), DR. B. R. AMEDKAR NAGAR, MOUZA- ULUBARI, P.S. PALTANBAZAR, DIST.- KAMRUP(M), ASSAM.

2: RAJ KISHOR PURBEY

S/O- NARAYAN PURBEY

R/O- VILL.- ULUBARI (BIRUBARI)

DR. B. R. AMEDKAR NAGAR

MOUZA- ULUBARI

P.S. PALTANBAZAR

DIST.- KAMRUP(M)

ASSAM.

3: SMTI. SHANTI DEVI

W/O- HARINDER RAY

R/O- VILL.- ULUBARI (BIRUBARI)

DR. B. R. AMEDKAR NAGAR

MOUZA- ULUBARI

P.S. PALTANBAZAR

DIST.- KAMRUP(M)

ASSAM.

4: SOVIT PURBEY

S/O- LATE RAMBILASH PURBEY

R/O- VILL.- ULUBARI (BIRUBARI)

DR. B. R. AMEDKAR NAGAR

MOUZA- ULUBARI

P.S. PALTANBAZAR

DIST.- KAMRUP(M)

ASSAM.

5: SMTI. SUMAN DEVI

W/O- AKALU GUPTA

R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

6: LALIT KAMAT  
S/O- KAPLESWAR KAMAT  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

7: HARI PRASAD  
S/O- RAMDAS PRASAD  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

8: SMTI. CHOUBI DEVI  
W/O- LATE RANA PRATAP SINGH  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

9: DINESH KAMAT  
S/O- KAPLESWAR KAMAT  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

10: SMTI. NEERA GUPTA  
W/O- BINOD KUMAR GUPTA  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI

P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM.

11: DINESH MAHATO  
S/O- LATE RAMESWAR MAHATO. R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
REVENUE DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
GUWAHATI- 781001  
ASSAM.

3:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE  
GUWAHATI- 781001.

4:CIRCLE OFFICER

GUWAHATI REVENUE CIRCL

Linked Case : WP(C)/1361/2022

DUKHAHARAN RAUT  
S/O- LATE JIBACHH RAUT  
VILL. ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST.- KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

GUWAHATI-781001  
ASSAM

3:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
GUWAHATI-781001.

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Advocate for : MD. A MATLIB  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7622/2022

MRINAL HAZARIKA  
S/O LATE GUNAKAR HAZARIKA  
R/O VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA-ULUBARI  
P.S.-PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRAJNAR  
GUWAHATI-781036

ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M) (LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7381/2022

ARUN KUMAR SINGH  
S/O- RAM NANDAN SINGH  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B.R. AMBEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

GUWAHATI-781001  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)  
LAND SETTLEMENT BRANCH

GUWAHATI  
ASSAM

4:THE CHIEF EXECUTIVE OFFICER

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY  
BHANGAGARH  
GUWAHATI-5.

5:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

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Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WP(C)/7858/2022

PANCHAM ROY  
S/O LATE BALDEV ROY  
R/O VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S.-PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER

KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7848/2022

POTIRAM CHOUHAN AND 2 ORS  
S/O. LT. HANGUN DAS CHOUHAN  
VILL. BANUBARI SADHUPOTE  
R.KM MISSION ROAD  
P.S. PALTANBAZAR  
GUWAHATI-16  
DIST. KAMRUP (M)  
ASSAM.

2: RAM BIKASH CHOUHAN  
S/O. LT. HANGUN DAS CHOUHAN  
VILL. BANUBARI SADHUPOTE  
R.KM MISSION ROAD  
P.S. PALTANBAZAR  
GUWAHATI-16  
DIST. KAMRUP (M)  
ASSAM.

3: SATYA RAM CHOUHAN  
S/O. LT. HANGUN DAS CHOUHAN  
VILL. BANUBARI SADHUPOTE  
R.KM MISSION ROAD  
P.S. PALTANBAZAR  
GUWAHATI-16  
DIST. KAMRUP (M)  
ASSAM.  
VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM

REVENUE DEPTT.  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER

KAMRUP (M)  
GUWAHATI-781001.

3:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
KAMRUP (M)  
GUWAHATI-781006.

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Advocate for : MR B KHAKHLARY  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/186/2023

ARUN MONDAL  
SON OF LATE HARADHAN MONDAL

RESIDENT OF VILLAGE- ULUBARI (BIRUBARI)

DR. B.R. AMEDKAR NAGAR

MOUZA- ULUBARI

P.S.- PALTAN BAZAR

DISTRICT- KAMRUP(M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

REVENUE DEPARTMENT

DISPUR  
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRAVARI  
GUWAHATI- 781036

ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)

(LAND SETTLEMENT BRANCH)

HENGRAVARI  
GUWAHATI- 781036.

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI- 781007.

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7823/2022

SANKAR SINGH  
S/O- LATE RAMJEE SINGH

VILL- ULUBARI (BIRUBARI)  
D.R AMBEDKAR NAGAR

MOUZA- ULUBARI

P.S- PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT

DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRABRI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER

KAMRUP (M)  
LAND SETTLEMENT BRANCH  
HENGRABARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7831/2022

KAILASH MAHASETH  
S/O- LT. AWADH MAHASETH  
VILL- ULUBARI (BIRUBARI)  
DR. B.R.AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
LAND SETTLEMENT BRANCH  
HENRABARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/221/2023

BAGEDU KEWAT  
S/O- LT. BHIKSHA KEWAT  
R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M) HENGRABARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7870/2022

POTSHANGBAM KHONI CHAOBA MEETEI  
S/O. P. PISHAK MEETEI  
R/O. VILL. ULUBARI (BIRUBARI)  
DR. B. R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST. KAMRUP (M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
REVENUE DEPTT.  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER

KAMRUP (M)  
HENGRAVARI  
GUWAHATI-781036  
ASSAM.

3:THE ADDL. DEPUTY COMMISSIONER

KAMRUP (M)  
LAND SETTLEMENT BRANCH

HENGRABARI  
GUWAHATI-781036.

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

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Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/1006/2023

SMTI. NILIMA ROY  
W/O- LT. BIKRANT KUMAR ROY R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R.AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRABARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE

ULUBARI

GHY-07

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Advocate for : MR R DHAR

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7949/2022

SAKHI DEVI  
W/O- LATE GAUR SINGH  
R/O- BIRUBARI  
THANAGOLI

P.O-GOPINATH NAGAR  
P.S- PALTAN BAZAR  
DIST- KAMRUP  
ASSAM  
PIN-781016

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
DIST.- KAMRUP(M)  
ASSAM.

2:THE DEPUTY COMMISSIONER  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM.

3:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
GUWAHATI-01 DIST.- KAMRUP(M)  
ASSAM.

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Advocate for : MS. N S THAKURIA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7948/2022

ILLA DAS  
W/O- DINESH DAS

R/O- BIRUBARI  
P.O-GOPINATH NAGAR  
P.S- PALTAN BAZAR  
DIST- KAMRUP  
ASAM  
PIN-781016

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
DIST.- KAMRUP(M)  
ASSAM.

2:THE DEPUTY COMMISSIONER  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM.

3:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
GUWAHATI-01  
DIST.- KAMRUP(M)  
ASSAM.  
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Advocate for : MS. N S THAKURIA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7953/2022

RAMKRISHNA SAH  
S/O- MAHINDER SAH

VILLAGE ULUBARI (BIRUBARI)

DR. B. R AMBEDKAR NAGAR

MOUZA- ULUBARI

P.S-PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REP. BY COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
DIST.- KAMRUP(M)  
ASSAM.

2:THE DEPUTY COMMISSIONER  
HENGRABARI  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM.

3:THE ADDL. DEPUTY COMMISSIONER  
LAND SETTLEMENT BRANCH  
HENGRABARI  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM.

4:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
ULUBARI  
GUWAHATI-07

DIST.- KAMRUP(M)  
ASSAM.

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/8308/2022

JAWAHAR PURBEY  
S/O RAMBLESWAR PURBEY R/O R.K. MISSION ROAD BIRUBARI  
GUWAHATI-16 P.S. PALTAN BAZAR DIST KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
REVENUE DEPTT. DISPUR GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY  
GOVT. OF ASSAM REVENUE DEPTT. DISPUR GUWAHATI-781006

3:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRABARI GUWAHATI-781001

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE ULUBARI NEAR DGP OFFICE GUWAHATI-  
781007

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Advocate for : MR G J SAIKIA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7815/2022

SANJAY KUMAR BHURA  
S/O LATE SHANTILAL BHURA  
VILL-ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA-ULUBARI  
P.S.-PALTAN BAZAR  
DIST-KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M)  
LAND SETTLEMENT BRANCH  
HENRABARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/2931/2022

PRAMOD PATHAK  
S/O- LT. UDAY CH. PATHAK  
VILL. ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP(M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE DEPTT.  
DISPUR  
GHY.- 781006.

2:THE DY. COMMISSIONER

KAMRUP(M)  
GUWAHATI- 781001  
ASSAM.

3:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
GUWAHATI- 781001.

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Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7580/2022

ABHIJIT SAHA  
S/O- LT. DILIP SAHA  
R/O- BIRUBARI  
GOPINATH NAGAR  
P.S. PALTANBAZAR  
DIST.- KAMRUP  
ASSAM  
PIN- 781016  
PH-

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE DEPTT.  
DISPUR  
GHY-06

2:THE DY. COMMISSIONER  
KAMRUP (M)  
GHY-36

3:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
GHY-01

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Advocate for : MS. N S THAKURIA  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7818/2022

KONJENBAM ANJALI DEVI  
D/O- LT. K. HEMANTA SINGH R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R.AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GHY-06  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
LAND SETTLEMENT BRANCH  
HENGRABARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7976/2022

SAROJ DEVI  
W/O- SRI MITHILESH SINGH  
R/O- VILL- ULUBARI (BIRUBARI)

DR. B.R.AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M)  
HENGRAVARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

-----  
Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7517/2022

BHUMIKA PATHAK MEDHI  
W/O LATE PARAMANANDA MEDHI  
R/O VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S.-PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M) (LAND SETTLEMENT BRANCH)  
HENGRABARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

-----  
Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7383/2022

HAMIDA KHATUN  
D/O- MANSER ALI  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE SUB-DIVISIONAL OFFICER (S)  
I/C LAND SETTLEMENT BRANCH  
KAMRUP METROPOLITAN BRANCH  
HENGRABARI  
GUWAHATI-781036.

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

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Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7384/2022

FIROZA BEGUM  
D/O- MANSUB ALI AND W/O- NURUL ISLAM  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT

DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE SUB-DIVISIONAL OFFICER (S)  
I/C LAND SETTLEMENT BRANCH  
KAMRUP METROPOLITAN BRANCH  
HENGRABARI  
GUWAHATI-781036.

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

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Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7258/2022

SUNIL RAJAK  
S/O- MAHABIR RAJAK  
R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMBEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.  
DISPUR  
GHY-06

2:THE DY. COMMISSIONER

KAMRUP (M)  
HENGRABARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRABARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

5:THE CHIEF EXECUTIVE OFFICER  
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY  
BHANGAGARH  
GHY-5

-----  
Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : WP(C)/7698/2022

MAYA RANI BANIA  
W/O- LT. PRADIP KANU  
R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER

KAMRUP (M)  
HENGRAVARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GHY-36

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

-----  
Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7804/2022

PRAMOD PATHAK  
S/O LATE UDAY CH. PATHAK  
VILL-ULUBARI (BIRUBARI)  
DR. B.R. AMBEDKAR NAGAR  
MOUZA-ULUBARI  
P.S.-PALTAN BAZAR  
DIST-KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRAVARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M)  
LAND SETTLEMENT BRANCH  
HENGRAVARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/5959/2023

INDRA BISWAS  
SON OF LATE UPENDRA CHANDRA BISWAS

RESIDENT OF- VILLAGE ULUBARI (BIRUBARI)

DR. B.R. AMBEDKAR NAGAR

MOUZA- ULUBARI

P.S.- PALTAN BAZAR

DISTRICT- KAMRUP(M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

REVENUE DEPARTMENT  
DISPUR

GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

HENGRABARI  
GUWAHATI- 781036

ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)  
(LAND SETTLEMENT BRANCH)

HENGRABARI  
GUWAHATI- 781036.

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI- 781007.  
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Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7618/2022

BINOD KUMAR VERMA  
S/O HIRALAL VERMA  
R/O VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S.-PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
HENGRABARI  
GUWAHATI-781036

ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M) (LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GUWAHATI-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

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Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/922/2023

BAKUL GHOSH  
S/O- LT. SURENDRA KUMAR GHOSH  
R/O- VILL- ULUBARI (BIRUBARI)  
DR. B.R.AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST.- KAMRUP (M)  
ASSAM

VERSUS

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

2:THE DY. COMMISSIONER  
KAMRUP (M)  
HENGRAVARI  
GHY-36  
ASSAM

3:THE ADDL. DY. COMMISSIONER  
KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI

GHY-781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GHY-07

-----  
Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7970/2022

AJOY SHA  
S/O- LATE RUCHI RAM SHAH  
R/O- BIRUBARI  
THANAGOLI  
P.O-GOPINATH NAGAR  
P.S- PALTAN BAZAR  
DIST- KAMRUP  
ASSAM  
PIN-781016

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
DIST.- KAMRUP(M)  
ASSAM.

2:THE DEPUTY COMMISSIONER  
GUWAHATI- 781036  
DIST.- KAMRUP(M)  
ASSAM.

3:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
GUWAHATI-01 DIST.- KAMRUP(M)  
ASSAM.

-----  
Advocate for : MS. N S THAKURIA

Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7510/2022

JAY PRAKASH PRASAD  
S/O. LT. BISWANATH RAM  
R/O. VILL. ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTAN BAZAR  
DIST. KAMRUP (M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
REVENUE DEPTT.  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER

KAMRUP (M)  
HENGRABARI  
GUWAHATI-781036  
ASSAM.

3:THE ADDL. DEPUTY COMMISSIONER

KAMRUP (M)  
(LAND SETTLEMENT BRANCH)  
HENGRABARI  
GUWAHATI-781036.

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

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Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/5880/2023

RINKU DAS  
S/O- LATE RANABIR DAS  
VILL.- ULUBARI (BIRUBARI)  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRAVARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)  
(LAND SETTLEMENT BRANCH)  
HENGRAVARI  
GUWAHATI-781036  
ASSAM

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
GUWAHATI-781001.

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Advocate for : MR. T DEURI  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/7389/2022

H. KHELENDRAJEET SHARMA  
S/O LATE H. MANI SHARMA  
VILL- ULUBARI (BIRUBARI)  
DR. B.R. AMEDKAR NAGAR  
MOUZA- ULUBARI  
P.S.-PALTAN BAZAR  
DIST- KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRAVARI  
GUWAHATI-781036  
ASSAM

3:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

-----  
Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : WP(C)/7816/2022

BASANTI PANDEY  
S/O- LT. RAMJEEWAN PADEY  
R/O- BIRUBARI  
P.O. GOPINATH NAGAR  
P.S. PALATANBAZAR  
DIST.- KAMRUP  
ASSAM  
PIN- 781016

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE DEPTT.  
DISPUR  
GHY-06

2:THE DY. COMMISSIONER  
KAMRUP (M)  
GHY- 36

3:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE  
GHY-01

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Advocate for : MS. N S THAKURIA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/7399/2022

DINESH DAS  
S/O- LATE JONAK DAS

VILLAGE- ULUBARI (BIRUBARI)

DR. B.R. AMDEDKAR NAGAR

MOUZA- ULUBARI

P.S.- PALTAN BAZAR

DISTRICT- KAMRUP(M)  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

REVENUE DEPARTMENT

DISPUR  
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRAVARI

GUWAHATI- 781036  
ASSAM.

3:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI- 781007.

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Advocate for : MR R DHAR  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : WP(C)/7736/2022

MANJU DEVI  
W/O- LATE DILIP SINGH

VILL- ULUBARI (BIRUBARI)

DR. B.R. AMBEDKAR NAGAR  
MOUZA- ULUBARI

P.S- PALTAN BAZAR  
DIST- KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)

HENGRABARI  
GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
V  
KAMRUP (M) (LAND SETTLEMENT BRANCH)  
HENGRABARI  
GUWAHATI-781036  
ASSAM

4:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007

-----  
Advocate for : MD. A MATLIB  
Advocate for : SC  
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/7382/2022

SHAIL DEVI  
W/O- RAVINDER SHAH  
R/O- VILL.- ULUBARI (BIRUBARI)  
DR. B.R. AMBEDKAR NAGAR  
MOUZA- ULUBARI  
P.S. PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER  
KAMRUP(M)

HENGRABARI

GUWAHATI-781036  
ASSAM

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)  
LAND SETTLEMENT BRANCH  
GUWAHATI-781036  
ASSAM

4:THE CHIEF EXECUTIVE OFFICER

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY  
BHANGAGARH  
GUWAHATI-5.

5:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI-781007.

-----  
Advocate for : MR R DHAR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS.

Advocates for the petitioners : Mr. R Dhar  
Mr. S. Nath  
Md. A. Matlib  
Mr. B. Sinha  
Ms. N. S. Thakuria  
Mr. Bipul Khaklary

Advocates for the respondents : Mr. R Barpujari  
Standing Counsel  
Revenue Department  
Government of Assam  
Ms. N. Bordoloi  
Mr. S. Bora, GMC & GMDA  
Mr. S. Baruah, Govt. Advocate

Date of hearing & Judgment : **07.11.2024**

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**JUDGMENT & ORDER(ORAL)**

Heard Mr. R Dhar, Mr. S. Nath, Md. A. Matlib, Mr. B. Sinha, Ms. N.S. Thakuria and Mr. Bipul Khaklary, the learned counsels appearing for the writ petitioners. Also heard Mr. R Barpujari, the learned Standing Counsel appearing on behalf of the Revenue Department, Government of Assam, Mr. S.R. Baruah, the learned Government Advocate, appearing on behalf of the District Administration and Mr. S. Borah, the learned Standing Counsel appearing on behalf of the GMC.

2. The instant batch of writ petitions have been filed challenging the individual notices issued to the petitioners in the writ petitions, under Rule 18 of the Settlement Rules framed under the Assam Land and Revenue Regulations, 1886 (for short, the 'Regulations'). For the purpose of disposal of the batch of writ petitions it is pertinent herein, to take note of the individual cases of the petitioners in their writ petitions.

3. In WP(C)No.7816/2022, the petitioner, is in occupation of 10 lechas of admitted Government land in Dag No.96. The petitioners had constructed an RCC building. A notice was issued under Rule 18 on 10.11.2022, which is the subject matter of challenge.

4. In WP(C)No.7948/2022, the petitioner, is in occupation of 1 katha 10 lechas of land by constructing an RCC building which is covered by Dag No.96, which is admittedly a Government land. In this case also the notice was issued

on 10.11.2022, which has been the subject matter of challenge.

5. In WP(C)No.7949/2022, the petitioner, had occupied 1 katha 5 lechas of land by constructing RCC building which is covered by Dag No.96, which is admittedly a Government land. The notice was also issued on 10.11.2022.

6. In WP(C)No.7970/2022, the petitioner, is in occupation of 8 lechas of land by constructing an Assam Type House and a notice was issued on 10.11.2022, the land occupied also falls in the Government Dag No.96.

7. In WP(C)No.7580/2022, the petitioner, is in occupation of 10.07 lechas, by constructing an RCC building over the Government land being Dag No.96. In this case also, the notice was issued on 10.11.2022.

8. In WP(C)No.7848/2022, the three petitioners, are in occupation of land admeasuring 3.54 Are over Dag No.201 and 8.72 Are over Dag No.202, totaling to 12.26 Are and have raised Assam Typed House. This Dag Nos. 201 and 202 are Government lands. The impugned notice was issued on 10.11.2022.

9. In WP(C)No.3715/2020, there are 11 writ petitioners, who are in occupation of Government Dag No. 97, of an area admeasuring 19.44 Are and they were issued notices on 10.11.2022. It is pertinent to mention that initially the writ petition was filed apprehending and subsequently on the basis of a Interlocutory Application being I.A. No. 3377/2022, pursuant to the notice so issued a status-quo order was passed.

10. In WP(C) No. 1361/2022, the petitioner, is in occupation of 12 lechas of land by constructing a RCC building over Government Dag No. 97, and the

notice was issued on 07.01.2020 which has been put to challenge.

11. In WP(C) No. 7510/2022, the petitioner, is in occupation of 1.97 Are of Government land covered by Dag No. 97, by constructing an Assam Type House. In this case, the notice was issued on 10.11.2022. It is pertinent to mention that the petitioner herein had applied for settlement which was however, rejected.

12. In WP(C)No. 7517/2022, the petitioner, is in occupation of 1.48 Are by constructing a RCC building over Government Dag No. 97. In this case, the impugned notice was issued on 10.11.2022. It is pertinent to mention that, the petitioners applied for settlement which was however, rejected.

13. In WP(C) No. 7618/2022, the petitioner, is in occupation of 11 lechas of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022 which is the subject matter of challenge.

14. In WP(C) No. 7622/2022, the petitioner, is in occupation of 14 lechas of land by constructing Assam Type House over Government Dag No. 97, and the petitioner was issued notice on 10.11.2022.

15. In WP(C) No. 7698/2022, the petitioner, is in occupation of 1.96 Are by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022 which is the subject matter of challenge. It is pertinent to mention that the petitioner herein had sought for settlement which was however, rejected.

16. In WP(C) No. 7736/2022, the petitioner, is in occupation of 2.68 Are by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022, which is the subject matter of challenge.

17. In WP(C) No. 7804/2022, the petitioner, is in occupation of 14 lechas of land by constructing a Tin Chali House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

18. In WP(C) No. 7815/2022, the petitioner, is in occupation of 17 lechas of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

19. In WP(C) No. 7818/2022, the petitioner, is in occupation of 3.06 Are of land by constructing a Tin Chali House over Government Das No. 97. The impugned notice was issued on 10.11.2022.

20. In WP(C) No. 7823/2022, the petitioner, is in occupation of 3.34 Are of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

21. In WP(C) No. 7831/2022, the petitioner, was in occupation of 0.67 Are of land by constructing a Tin Chali House which is over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

22. In WP(C) No. 7858/2022, the petitioner, is in occupation of 12.50 lechas of land by constructing a Tin Chali house over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

23. In WP(C) No. 7870/2022, the petitioner, is in occupation of 2.55 Are of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

24. In WP(C) No. 7953/2022, the petitioner, is in occupation of 10 lechas of land by constructing a Tin Chali House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

25. In WP(C) No. 7976/2022, the petitioner, is in occupation of 15 lechas of land by constructing an Assam Type house over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

26. In WP(C) No. 8308/2022, the petitioner, is in occupation of 7.5 lechas of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022.

27. In WP(C) No. 186/2023, the petitioner, is in occupation of 1 katha 5 lechas over Government Dag No. 97, and had also constructed a godown. The impugned notice was issued on 10.11.2022. It is pertinent herein, to mention that the suit was filed being Title Suit No. 224/2012 which was however, dismissed.

28. In WP(C) No. 221/2023, the petitioner, is in occupation of 1 katha of land in Government Dag No. 97, and have constructed an Assam Type House. The notice was issued on 10.11.2022. In this regard also, the petitioner had filed a suit being Title Suit No. 224/2012 which was dismissed.

29. In WP(C) No. 922/2023, the petitioner, is in occupation of 1 katha of land

and had also constructed a RCC building over Government Dag No. 97. The impugned notice was issued on 10.11.2022. The petitioner had filed a suit being Title Suit No. 225/2012 which was also dismissed.

30. In WP(C) No. 1006/2023, the petitioner, is in occupation of 1 katha 5 lechas of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 10.11.2022. In this case also, the petitioner had filed a suit being Title Suit No. 219/2012 which was however, dismissed.

31. In WP(C) No. 5880/2023, the petitioner, is in occupation of 1 katha 5 lechas of land by constructing an Assam Type House over Government Dag No. 97. The impugned notice was issued on 22.09.2023, which is the subject matter of challenge.

32. In WP(C) No. 5959/2023, the petitioners, are in occupation of 12.5 lechas of land by constructing an Assam Type House over Government Dag No. 97. The notice was served on the petitioner on 10.11.2022, and subsequently another notice was issued on 22.09.2023 which are both subject matter of challenge.

33. In WP(C) No. 7258/2022, the petitioner, herein is in occupation of 2.40 Are of land over Government Dag No. 97 and had also constructed an Assam Type house. In this regard, the petitioner was issued a notice on 10.11.2022. It is however, very pertinent to observe that the Revenue Department of the Government of Assam had vide a communication informed the petitioner that the land had been allotted to the petitioner and was directed to deposit the premium. It is also relevant to mention that the petitioner had thereupon,

deposited the premium which is still retained by the Government. However, there had been no issuance of any periodic lease.

34. In WP(C) No. 7381/2022, the petitioner, is in occupation of 1 katha 5 lechas of land of Government Dag No. 97, and had also constructed an Assam Type house. The petitioner was issued a notice on 10.11.2022. It is very pertinent herein, to mention that in the instant case the Government on 15.02.2022 had accorded approval for settlement subject to realization of the premium and recommendation from the Guwahati Metropolitan Development Authority(for short 'GMDA'). However, there is no recommendation being made by the GMDA. In addition to that, there has been no further decision taken in regard to the approval order of settlement in respect to the petitioner in the instant case. It is further mentioned, that the premium had also not been deposited by the petitioner.

35. In WP(C) No. 7382/2022, the petitioner, is in possession of 15 lechas of land and had also constructed an Assam Type House over Government Dag No. 97. In the instant case the impugned notice was issued on 10.11.2022. The Revenue Department of the Government of Assam had accorded approval for settlement on 23.02.2022, subject to realization of premium and recommendation from the GMDA. No recommendation report have till date been submitted and the premium had also not been deposited.

36. In WP(C) No. 7383/2022, the petitioner, is in occupation of 2.88 Are by constructing a RCC building. Certain proceedings were initiated for settlement of land in favour of the petitioner, but the Revenue Department was yet to accord the approval for settlement. In this case the notice was issued on 10.11.2022.

37. In WP(C) No. 7384/2022, the petitioner, is in occupation of 2.88 Are of land by constructing a Tin Chali House. Similar to WP (C) No. 7383/2022, although, certain proceedings were initiated for settlement of the land but however, there has been no approval accorded by the Revenue Department. In the instant case the impugned notice was issued on 10.11.2022.

38. In WP(C) No. 7389/2022, the petitioner, is in occupation of 1 katha 5 lechas of land in Government Dag No. 97, by constructing an Assam Type House. In the instant case also, certain proceedings were initiated for settlement of the land, however, there has been no according of any approval by the Revenue Department. The impugned notice was issued on 10.11.2022.

39. In WP(C) No. 7399/2022 the petitioner is in occupation of 2.68 Are of land by constructing an Assam Type House over Government Dag No. 97. In the instant case, certain steps were taken for seeking clarification by the Circle Officer, but nothing further proceeded as regards the settlement. In the instant case, the impugned notice was issued on 10.11.2022.

40. The petitioners specific case is that the summary procedure of eviction under Rule 18 of the Settlement Rules cannot be resorted to against the petitioners taking into account, that the petitioners have rights for settlement over the lands under there occupation as per the *Land Policy of 2019*, and in that view of the matter, the petitioners have also a *bona fide* claim of right involved.

41. Mr. R. Dhar, the learned Counsel appearing on behalf of the petitioners have submitted that as the lands in questions wherein the petitioners are in

occupation are a Government waste lands and as the petitioners are residing thereupon since long by constructing houses, the actions taken by concerned Respondent Authorities to evict the petitioners vide the impugned notices directing the petitioners to vacate without giving an opportunity to the petitioners to show that they have a *bona fide* claim of right involved is in violation to the principles of Natural Justice, as well as, the settled principles of Law as laid down by the learned Division Bench of this Court in Case of **Md. Salak Uddin Vs. State of Assam & Others** reported in **2024 SCC Online GAU 921**.

The learned counsels for the petitioners further submitted that at the time when the petitioners have entered in possession of the lands under their occupation the revenue records never showed that the lands in the Dag's in question were previously reserved for public purpose. However, subsequently, an attempt is being made by the Government to show it to be land specifically reserved for T.B. Hospital and subsequently during the pendency of the instant writ petition have been shown to be in the name of the Second Medical College. The learned counsels therefore, submitted that as the lands were not previously reserved, the petitioners cannot be evicted by resorting to the summary proceedings as they have a *bona fide* claim of right involved.

42. Mr. R. Borpujari, the learned Standing Counsel, appearing on behalf of the Revenue Department on the other hand, submitted that the petitioners have no right to remain in occupation of the Government lands without there being any settlement or patta being issued. He referred to Rule 16 of the Settlement Rules which as per him categorically prohibits entering into Government land until lease is being issued. He further submitted, that in certain case the Deputy Commissioner may grant written permission when issuance of the lease is pending.

43. Mr. R. Borpujari, the learned Standing Counsel, Revenue Department further submitted that merely because the petitioners are in occupation over the lands in question does not confer any right upon the petitioners more so in view of Rule 15 of the Settlement Rules which categorically stipulates, that no person shall have any right to settlement merely because he is in occupation of the land not included in any lease granted by the State Government either to himself or to any other person. In addition to that, the learned Standing Counsel further referred to the *Assam Land Policy of 2019* wherein, he referred to Clause 14.3, which categorically stipulates that the Government will not consider settlement of any Government land in Guwahati city or in any other town area under possession of an individual or other persons merely on the ground that the person concerned is in occupation of such land irrespective of the period of such occupation or encroachment. He further submitted that as per the Land Policy, the Government can consider settlement or to evict as the case may be depending upon the facts and circumstances of the case. In addition to that, the learned Standing Counsel, Revenue Department further submitted that these Government lands have been specifically earmarked for the second Medical College taking into account the public interest as well as the urgent necessity of having an additional Medical College apart from the presently functioning Gauhati Medical College and Hospital. He therefore, submits that this writ petitions ought to be dismissed as the petitioners have no right to remain in occupation of the land in question.

44. Mr. S.R. Baruah, the learned counsel, appearing on behalf of the District Administration submits that taking into account the judgment of the learned Division Bench in the case of ***Md. Salak Uddin*** (supra), if this Court directs the petitioners to submit representations, the Deputy Commissioner Kamrup(M)

shall duly consider the same on its merits.

45. This Court have also enquired with Mr. S. Bora, the learned counsel appearing on behalf of the GMDA who is also the Standing Counsel of the GMC and GMDA , as to whether, any permissions have been granted to the petitioners for making constructions. He categorically submits on instructions that, the constructions raised by the petitioners over the lands in question are without any permission and hence illegal constructions.

46. I have heard the learned counsels appearing on behalf of the parties at length and have given my anxious consideration to the submissions made as well as the materials on record.

47. From the submissions so made, the limited question which arises for consideration is whether the Respondent Authorities have the jurisdiction to exercise its summary powers of eviction against the petitioners as mandated in Rule 18 of the Settlement Rules.

48. It transpires from the records that there is no denial to the facts that the petitioners herein are in occupation of Government lands. The question as to whether the petitioners can be evicted by following the summary procedure as mandated under Rule 18 of the Settlement Rules is dependant upon the decision as to whether, the petitioners have a *bona fide* claim of right involved. This Court has also taken note of the *Land Policy of 2019*, which stipulates that an indigenous person having no land would be considered for grant of settlement, subject to the person showing that he/she fulfills the conditions as per the *Assam Land Policy of 2019*. However, in order to show that the person

concerned cannot be evicted by recourse to the summary proceedings, the person concerned upon being afforded an opportunity is able to show before the authorities that he/she/they have *bona fide* claim of right involved in respect to the land. It is also imperative to bear in mind that a person cannot claim rights to settlement over government merely because he/she is in occupation of the land by constructing houses. Rule 15 of the Settlement Rules as well as Clause 14.3 of the *Assam Land Policy, 2019* are clear injunctions to such claim of rights. The question whether a person would be entitled to settlement would depend upon varied factors viz. the eligibility of such persons as mandated under law, the resources available to the State as well as the availability of lands under the disposal of the State. The *Assam Land Policy, 2019*, categorically mentions that the State Government shall have a discretion in such circumstances. Apart from that it also mandates that merely because a person is in occupation of a land, the person cannot claim as a matter of right to seek settlement over the land under occupation.

49. This Court had also taken note of that the petitioners herein were issued notice to vacate without affording any opportunity to show that the recourse to summary procedure mandated in Rule 18 of the Settlement Rules could not have been resorted to. In other words, the petitioners herein have not been afforded the opportunity to explain as to whether they have a *bona fide* claim of right involved for which the recourse to Rule 18 of the Settlement Rules are not permissible. The said actions on the part of the Respondent Authorities in directing the petitioners to vacate without affording any opportunity amounts to violation of the principles of natural justice as well as the settled principles of law in ***Md. Salak Uddin*** (supra). Taking into account the fact that the petitioners herein have been issued notices, the said notices shall be construed to be

notices asking the petitioners to show cause as why the petitioners should not be evicted by taking recourse to Rule 18 of the Settlement Rules.

50. Accordingly, this Court therefore, disposes of the instant batch of these writ petitions with the following observations and directions:

(i) The impugned notices under Rule 18 so issued to the petitioners to vacate shall be construed as notices issued by the Circle Officer, Guwahati Revenue Circle, to show cause why the petitioners should not be evicted by taking recourse to Rule 18 of the Settlement Rules.

(ii) The petitioners in the present batch of writ petitions are given the liberty to submit individual replies and substantiating the same with documents and such evidence as deemed proper thereby showing cause that the petitioners have a *bona fide* claim of right involved in respect to the land under their occupation and as such the recourse to Rule 18 of the Settlement Rules is not permissible.

(iii) The liberty given above is to be exercised within 30 (thirty) days, from the date of the instant order. In the said replies, the petitioners herein shall indicate in which writ petition, the petitioner(s) were parties.

(iv) The Deputy Commissioner, Kamrup (M) is directed to give an opportunity of hearing to the petitioners either personally or through their authorized representative(s). The Deputy Commissioner, Kamrup (M) shall thereupon pass appropriate

speaking orders. The Deputy Commissioner, Kamrup (M) is further directed to allot a particular area in his office wherein, such replies could be submitted. A notice be hanged in the Office of the Deputy Commissioner, Kamrup (M) indicating the area.

(v) This Court further directs that upon the speaking orders being passed, the Deputy Commissioner, Kamrup (Metro) shall notify in its notice board about the fact that the speaking order had been passed. For a period of 30 (thirty) days from such notification, no coercive measures be taken so that if the petitioners are aggrieved, they may avail remedies as permissible under law.

**JUDGE**

**Comparing Assistant**