

GAHC010012522017



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

Case No. : WP(C)/817/2017

ABDUL KHALEQUE and 42 ORS.

S/O NAVJESH ALI R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA,
ASSAM.

2: SAHED ALI

S/O ANSER ALI R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

3: ATIKUL RAHMAN

S/O MATIYAR RAHMAN R/O VILL- TALAJULI P.O. JANIA DIST. BARPETA
ASSAM.

4: ALI AKBAR

S/O LT. ABDUL GANI R/O VILL- P.O. JANIA DIST. BARPETA
ASSAM.

5: SAHIDUL ISLAM

S/O LT. A. RAHMAN R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

6: SADAR ALI

S/O LT. TARAMIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST. BARPETA
ASSAM.

7: A. SATTAR

S/O LOKMAN ALI R/O VILL- PAGALMARI P.O. JANIA DIST. BARPETA
ASSAM.

8: DELUWAR HUSSAIN

S/O MATIYAR RAHMAN R/O VILL- GALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

9: ABUTALEP SIKDAR

S/OLT. DABURUDDIN R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA

ASSAM.

10: UMAR ALI

S/O LT. A. KADER R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

11: JAMAL UDDIN

S/O LT. TUPAJULI R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

12: AKKASH ALI

S/O LT AYEN HAJI R/O VILL- MAHAMMADPUR P.O. JANIA DIST. BARPETA
ASSAM.

13: AKKASH ALI

S/O JALUMIYA R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

14: KASEM ALI

S/O LT. MAHAMMAD ALI R/O IVLL- RALIKURA P.O. JANIA DIST. BARPETA
ASSAM.

15: TARAMIYA

S/O ABDUL ALI R/O VILL- GAGALMARI P.O. JANIA DIST. BARPETA
ASSAM.

16: MAJIBAR RAHMAN

S/O LT. LALMIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST. BARPETA
ASSAM.

17: MAHAR ALI

S/O NOT KNOWN R/O VILL- TAPASULI P.O. JANIA DIST. BARPETA
ASSAM.

18: RAFIQUL ALI

S/O LT. GANDUMIYA R/O VILL- GALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

19: ISMAIL HUSSAIN

S/O ANBDUL HUSSAIN R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

20: LUTHFAR RAHMAN

S/O LT. IDRICH A ALI R/O VILL- PAGOLMARA P.O. JANIA DIST. BARPETA
ASSAM.

21: ABDUL ALI

S/O LT. SHUNA MIA R/O VILL SHALE KURA P.O. JANIA DIST. BARPETA

ASSAM.

22: IMAN ALI

S/O LT. HAJRAT ALI R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

23: MAJIDULE ISLAM

S/O AJGAR ALI R/O IVLL- GAGALMARI P.O. JANIA DIST. BARPETA
ASSAM.

24: MUKNAL SARKAR

S/O SUBAL SARKAR R/O VILL- TAPASULE
P.O. JANIA DIST. BARPETA
ASSAM.

25: RAFIQUL ISLAM

S/O LT. BASU MIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST.
BARPETA
ASSAM.

26: LAL MASUD

S/O LT. BUDDU MIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST.
BARPETA
ASSAM.

27: JAKIR ALI

S/O MAJIBAR RAHMAN R/O VILL- PAGALMARA P.O. JANIA DIST.
BARPETA
ASSAM.

28: JOWAN ALI

S/O BABAR ALI R/O VILL- RUUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

29: SUKUR ALI

S/O BASU MIYA R/O VILL-NOT KNOWN P.O. JANIA DIST. BARPETA
ASSAM.

30: FULCHAN ALI

S/O LT. WAJ ALI R/O VILL- NOT KNOWN P.O. JANIA DIST. BARPETA
ASSAM.

31: RAMEJ ALI

S/O AHMED SATTAR R/O VILL- MAHAMMADPUR P.O. JANIA DIST.
BARPETA
ASSAM.

32: MINAZ UDDIN

S/O AHMED SUBAN R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

33: AHMED ALIM
S/O ATOWAR RAHMAN R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

34: ABDUL KALAM AZAD
S/O LT. GAN MIYA R/O VILL- NOT KNOWN P.O. JANIA DIST. BARPETA
ASSAM.

35: AHMED ALIM
S/O TARA MIYA R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

36: HAMIDUL ISLAM
S/O UMOR ALI R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA
ASSAM.

37: IMDADUL HAQUE
S/O AHMMED MALIK R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

38: MAKBUL HUSSAIN
S/O AHMED ALI R/O VILL- RUPAKUCHI P.O. JANIA DIST. BARPETA
ASSAM.

39: MANIK ALI
S/O LT. LAL MIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST. BARPETA
ASSAM.

40: JANAL ABEDIN
S/O LT. YAN MIYA R/O VILL- MAHAMMADPUR P.O. JANIA DIST. BARPETA
ASSAM.

41: SANDESH ALI
S/O BABAR ALI R/O VILL- NOT KNOWN P.O. JANIA DIST. BARPETA
ASSAM.

42: AHMED AJIJ
S/O NOT KNOWN R/O VILL- CHAPAKULI P.O. JANIA DIST. BARPETA
ASSAM.

43: AHMED KADER
S/O IDRISH ALI R/O VILL- SALEKURA P.O. JANIA DIST. BARPETA
ASSAM

VERSUS

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

PUBLIC WORKS DEPARTMENT, DISPUR ROADS, GUWAHATI -06.

2:THE DEPUTY COMMISSIONER

BARPETA DISTRICT
BARPETA
ASSAM.

3:THE CIRCLE OFFICER

BAGHBAR REVENUE CIRCLE
MANDIA
DIST. BAREPTA ASSAM

For the petitioner (s) : Mr. B. Rahman, Advocate

For the respondent (s) : Mr. B. J. Talukdar, Addl. Sr. GA
Ms. M. Das, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

03.10.2024

Heard Mr. B. Rahman, the learned counsel appearing on behalf of the petitioners. Ms. M. Das, the learned counsel appears on behalf of the respondent No.1 and Mr. B. J. Talukdar, the learned counsel appears on behalf of the respondent Nos.2 & 3.

2. The petitioners herein have assailed the notice dated 14.01.2017 in Dispossession Case No.08/2017 whereby the Circle Officer, Baghbar Revenue Circle, Mandia had directed the petitioners to vacate and leave the possession of the land within a period of 5 days from the receipt of the said notice. It is seen that pursuant to the filing of the instant writ petition, this Court had issued notice on 10.02.2017 and there is an interim order passed to the effect that the petitioners may not be evicted. However, inspite of that, the respondents have not produced before this

Court any instructions nor filed any affidavit in that regard in support of the said notice.

3. This Court has also heard the learned counsels for the petitioners as well as the respondents and given anxious consideration to their respective submissions. A perusal of the impugned notice dated 14.01.2017 passed in Dispossession Case No.08/2017 prima-facie appears to be a notice without any particulars in as much as there is no mention of any Dag Number thereby identifying the land in respect to the said notice. What has been mentioned in the said notice is the name of the Village and the Mouza. In the opinion of this Court, such vague notice cannot be made a basis in terms with Rule 18 of the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886.

4. Accordingly, the impugned notice dated 14.01.2017 passed in Dispossession Case No.08/2017 is set aside and quashed.

5. Accordingly, the instant writ petition stands allowed.

6. Before parting with the record, this Court however observes that setting aside of the impugned notice dated 14.01.2017 in Dispossession Case No.08/2017 shall not preclude the Circle Officer, Baghbar Revenue Circle, Mandia to issue fresh notice giving due particulars and following the law as laid down by the Division Bench of this Court in the case of ***Md. Salak Uddin vs. State of Assam & Others***, reported in ***(2024) SCC OnLine Gau 921***.

JUDGE