

GAHC010037582024



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

**Case No. : I.A.(Civil)/579/2024**

1: THE STATE OF ASSAM AND 3 ORS REPRESENTED BY ITS  
COMMISSIONER AND SECRETARY, GOVERNMENT OF ASSAM, REVENUE  
DEPARTMENT, DISPUR, GUWAHATI, ASSAM- 781006.

2: THE DISTRICT COMMISSIONER  
(DEPUTY COMMISSIONER) BARPETA ASSAM 781301.

3: THE CIRCLE OFFICER  
CHENGA REVENUE CIRCLE CHENGA ASSAM 78130

VERSUS

1: HASMAT KHAN AND 96 ORS  
S/O- LT. GHATU KHA

2:LAL MIA  
S/O- LT. NANDU MIA @ CHANDU MIA

3:KADDUS KHANDKAR  
S/O- LT. ABBAS KHANDKAR

4:ABDUR RAHMAN DEWAN  
S/O- LT. NOWAB ALI DEWAN

5:JAMAL KHAN  
S/O. LT. MAJLISH KHAN

6:SALU KHAN  
S/O. LT. MIRJAN KHAN

7:ABDUL MALEK @ ABDUL MALEK MIA  
S/O- LT. ABU BAKKAR

8:HABIBAR RAHMAN  
S/O. LT. ALAUDDIN

9:SHAHAR BHANU  
D/O- LT. MANIK MIR

10:MD ISMAIL DEWAN  
S/O- ABDUS SAMAD DEWAN

11:MUNSER KHAN  
S/O- HASMAT KHAN

12:SAMAN DEWAN  
S/O- MUTLEB DEWAN

13:HAYET KHAN  
S/O- LT. HAKIM KHANS

14:ABDUL KALAM DEWAN  
S/O- LT. MUNNAF DEWAN

15:KAMAL KHAN  
S/O- LT. MAZLISH KHAN

16:GIAS UDDIN DEWAN  
S/O- LT. MUNNAF DEWAN

17:ASRAB DEWAN  
S/O- LT. MUNNAF DEWAN

18:ANU KHA  
S/O- HASMAT KHA

19:SIDIQUE MIAH  
S/O- LT. GHATU MIAH

20:BILAL MIYA @ BILAYAT MIA  
S/O- LT. ICHUMUDDIN

21:IBRAHIM MOLLA  
S/O- LT. FALU MULLA

22:JAYNAL MIR  
S/O- ABDUL JALIL

23:FERDDUS ALI KHANDAKAR @ FEDDUS KHANDAKAR  
S/O- LT. ABBAS KHANDAKAR

24:AKBAR ALI KHANDAKAR  
S/O- LT. ABBAS KHANDAKAR

25:MAJIBAR KHANDAKAR  
S/O- LT. ABBAS KHANDAKAR

26:ABDUL BATEN KHANDAKAR  
S/O- LT. ABBAS KHANDAKAR

27:HABIJUL KHAN @ HAFIJUR KHAN  
S/O- LT. NEWAZ KHAN

28:AMINUL KHAN  
S/O- LT. NEWAZ KHAN

29:KHALIL MIYA  
S/O- LT. JALAL UDDIN MIA @ JALAL MIAH

30:ACHAR UDDIN MOLLA @ ACHU MULLA  
S/O- SUMESH MOLLA

31:ACHIYA BEGUM  
W/O- LT. JAHURUL @ JUHUR KHANDAKAR

32:SAHIDUL KHANDAKAR  
S/O- LT. ABDUL HAI KHANDAKAR

33:JAYNAL ABEDIN KHANDAKAR JAYNAL KHANDAKAR  
S/O- LT. ABDUL HAI KHANDAKAR

34:SUTAN KHAN  
S/O- HASMAT KHA

35:SALIM KHAN  
S/O- LT. MAJLISH KHAN

36:ABDUL SABUR MIAH @ ABDUS SABUR  
S/O- LT. ALAL UDDIN @ JAJAL UDDIN MIA

37:NUR ISLAM MIYA  
S/O- LT. GHATU MIYA

38:RAHMAN MIYA  
S/O- LT. ALAUDDIN

39:ANOWAR MIYA  
S/O- LT. MANIR MIYA

40:MATIYAR RAHMAN @ MATIYAR MIA  
S/O- MALEK MIYA @ ABDUL MALEK MIYA

41:RAMJAN ALI MIYA  
S/O- LT. ABU BAKKAR

42:MD CHANDU MIYA  
S/O- LAL MIYA

43:RUP KHAN  
S/O- LT. NAWAZ KHAN

44:BULBUL MIA  
S/O- LAL MIYA

45:AHAMMAD ALI  
S/O- SEKENDAR ALI

46:SEKANDAR ALI  
S/O- LT. TORAF ALI @ TORAB ALI

47:SATTAR DEWAN  
S/O- LT. MUTALEB DEWAN

48:SAHAJAHAN MIYA  
S/O- ABDUL BAREK

49:MAINUL SIKDAR  
S/O- LT. MATI SIKDAR

50:ASMA KHATUN  
W/O- LT. FALU KHAN

51:MOKTAR ALI MIYA  
S/O- LT. ALAL

52:DALIMAN NESSA  
D/O- LT. JAHUR MIYA W/O- LT. HIKMAT

53:KHUDEJA BEGUM  
S/O- LT. BASER KHANDAKAR

54:ATIKUL ISLAM  
S/O- LT. HAZRAT MIAH

55:ZAKIR HUSSAIN  
S/O- LT. NOWAB ALI DEWAN

56:SATTAR MOLLA  
S/O- LT. HAYET @ CHANU MULLA

57:ABDUL MIYA @ ABUL MIYA  
S/O- LT. GHATU MIYA

58:RABIAL DEWAN  
S/O- LT. MOTLEB DEWAN

59:TAIBAR RAHMAN MIYA  
S/O- LT. ANJU MIA

60:KALAM KHAN  
S/O- LT. FALU KHAN

61:AYUB KHAN  
S/O- LT. HAKIM @ HAKIM KHAN

62:RABIAL KHANDAKAR  
S/O- LT. ABDUL HAI KHANDAKAR

63:ATOAR ALI  
S/O- LT. RAJAB ALI

64:IDRIS DEWAN  
S/O- ATOWAR DEWAN

65:HANIF ALI  
S/O- LT. ABU BAKKAR ALI

66:JAMIR KHAN  
S/O- LT. KARIM KHAN

67:KHALIL MIYA  
S/O- LT. JALAL UDDIN @ JALAL MIA

68:EAR UDDIN  
S/O- LT. TOTAM MIYA

69:RAHIM MIYA  
S/O- LT. AMIR

70:JAKIR HUSSAIN  
S/O- LT. KURPAN MIYA

71:SAFIKUL KHAN  
S/O- HASMAT KHA

72:MD HAFIJUR MIA @ MD HAFIJUR RAHMAN MIA  
S/O- MD LAL MIA

73:NURUL ISLAM KHAN  
S/O- SALU KHAN

74:GOLAP KHAN  
S/O- JULMAT KHAN

75:JALIL DEWAN  
S/O- LT. ABDUL ALI

76:SURPAN KHAN  
S/O- LT. CHULTAN KHAN

77:SHAHIDUL ISLAM  
S/O- JULMAT KHAN

78:EUSUF ALI DEWAN  
S/O- LT. ABDUS SAMAD DEWAN

79:SADEK ALI DEWAN @ SADEK ALI  
S/O- LT. ABDUS SAMAD DEWAN

80:JAMAL MIA @ SAH JAMAL MIA  
S/O- LAL MIA

81:MAJIBAR MIA  
S/O- ANJU MIA

82:KURPAN MOLLA  
S/O - LT. FALU MOLLA

83:SHAHIDUL DEWAN  
S/O- LT. HAIDAR DEWAN

84:MAJJAM DEWAN  
S/O- LT. HAIDAR DEWAN

85:BASSORUDDIN MOLLAH  
S/O- LT. SUMESH MOLLA

86:ACHARUDDIN MOLLA @ BACHU MOLLA  
S/O- LT. SUMESH MOLLA

87:TAYBAR DEWAN  
S/O- LT. ABDUL ALI DEWAN

88:RAHMAN DEWAN  
S/O- LT. MOTALEB

89:RAHIZ UDDIN DEWAN  
S/O- LT. SAHEB ALI DEWAN

90:ABDUL BAREK MIA  
S/O- LT. ABUBAKKAR ALI

91:ABDUL KADER  
S/O- LT. ABDUL ROUF @ ROUP MIA

92:ASAN UDDIN MIA @ ACHAN MIA  
S/O- LT. SABU MIA @ ABU MIA

93:TAJUDDIN DEWAN  
S/O- MONNAF DEWAN

94:BILLAL HUSSAIN  
S/O- LT. MUNNAF DEWAN

95:NAJRUL DEWAN  
S/O- LT. HAIDAR DEWAN

96:MONOWAR DEWAN  
S/O- LT. HAIDAR DEWAN

97:JULFIKKAR DEWAN  
S/O- LT. ABDUL MAJID DEWAN.

ALL ARE PERMANENT RESIDENTS OF VILLAGE GANAKPARA  
P.O.- MAKRIKUCHI P.S.- TARABARI DIST. BARPETA ASSAM PIN 781305.

98:HIRANYA KUMAR GOSWAMI  
S/O RAJANI KANTA GOSWAMI RESIDENT OF VILL NIJ CHENGA  
P.O. CHENGA P.S. TARABARI MOUZA CHENGA DISTRICT BARPETA  
ASSAM PIN 78130

**Linked Case : I.A.(Civil)/562/2024**

1: THE STATE OF ASAM AND 3 ORSREP. BY THE COMMISSIONER AND  
SECRETARY TO THE GOVT. OF ASSAM REVENUE DEPTT. ASSAM  
SACHIVALAYA DISPUR GUWAHATI- 781006.

2: THE DEPUTY COMMISSIONER  
BARPETADIST. BARPETA PIN-

3: THE CIRCLE OFFICER  
CHENGA REVENUE CIRCLE CHENAG DIST. BARPETA PIN-

VERSUS

1: HIRANYA KUMAR GOSWAMI  
S/O RAJANI KANTA GOSWAMI  
R/O VILL. NIJ CHENGA P.O. CHENGA P.S TARABARI  
MOUZA-CHENGA DIST.- BARPETA ASSAM PIN-781305.

- For the Applicant(s)** : Mr. D. Saikia, Advocate General, Assam, assisted by Mr. A. Bhattacharjee, Standing Counsel, Revenue Department and Ms. R. Baruah, Advocate.
- For the Respondent(s)** : Mr. J. Abbas, Advocate in I.A. (Civil) No.579/2024.  
: Mr. A. Bhakra, Advocate in I.A. (Civil) No.562/2024.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI  
HON'BLE MR. JUSTICE SUMAN SHYAM**

**13.03.2024**

*(Vijay Bishnoi, CJ)*

I.A.(C) No.579/2024 and I.A.(C) No.562/2024 have been preferred on behalf of the applicant State of Assam with a prayer for early hearing of the connected writ appeals, viz. Writ Appeal No.43/2024 and Writ Appeal No.388/2023, respectively.

Having heard the learned counsel for the parties and after going through the contents of the interlocutory applications, we deem it appropriate to allow these interlocutory applications.

Registry is directed list the connected writ appeals in the proper category on **09.04.2024**.

The interlocutory applications stand disposed of.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**