

GAHC010192352017



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

Case No. : WP(C)/290/2017

ABDUL MATLEB and 23 ORS.
S/O. LT. BIDASHI SHEIKH,

VERSUS

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

Advocate for the Petitioner : MR.A K HUSSAIN

Advocate for the Respondent : GA, ASSAM

Linked Case : **WP(C)/844/2012**

MD NAZIBAR RAHMAN and 45 ORS
SON OF LATE DARBESH ALI VILL- BELBELI

2: MD. HABIBUR RAHMAN
SON OF LATE DARBESH ALI VILL- BELBELI

3: MD. INNAS ALI
S/O SIDDIQUE ALI VILL- BELBELI

4: MD. INSER ALI
SON OF MUNSOB ALI VILL- BELBELI

5: MD. MAJIBUR RAHMAN
SON OF LATE DERBESH ALI VILL- BELBELI

6: MD. ATOWAR RAHMAN
SON OF LATE DERBESH ALI VILL- BELBELI

7: MUSTT. NAYMAN NESSA

WIFE OF LATE DERBESH ALI VILL- BELBELI

8: MD. KADER ALI
SON OF JABBAR ALI VILL- NADIA

9: MD. SABED ALI
SON OF JABBAR ALI VILL- NADIA

10: MD. B ASER ALI
SON OF NIZAM ALI VILL- NO. 2 LARKUCHI

11: MD. BASER ALI
SON OF HUSSAIN ALI VILL- NO. 2 LARKUCHI

12: MD. KURBAN ALI
SON OF SARBIRAN NESSA VILL- BELBELI

13: MD. HARAN ALI
SON OF AFAZUDDIN VILL- NO. 2 LARKUCHI

14: MD. BILLAL HUSSAIN
SON OF HUSSAIN VILL- NO.2 LARKUCHI

15: MD. ABDUL RAHMAN
SON OF MOHAMMAD VILL- NO. 2 LARKUCHI.

16: MD. KADER ALI
SON OF KURBAN ALI VILL- NO. 2 LARKUCHI.

17: MD. SIRJAN ALI
SON OF MUNSER ALI VILL- BELBELI.

18: MD. MAZID ALI
SON OF DARBESH ALI VILL- NO. 2 LARKUCHI.

19: MD. SAUKAT ALI
SON OF RUSTAM VIL- NO. 2 LARKUCHI

20: MD. BARKAT ALI
S/O KAJIMUDDIN VIL- NO. 2 LARKUCHI

21: ALALUDDIN
SON OF DARNAJ VIL- NO. 2 LARKUCHI

22: JABED ALI
SON OF NASER ALI VIL- NO. 2 LARKUCHI

23: AYUB KHAN

GRANDSON OF NASER ALI VIL- NO. 2 LARKUCHI

24: MAHAR ALI
GRANDSON OF NAYAB VIL- NO. 2 LARKUCHI

25: ATOWAR RAHMAN
SON OF TALEB ALI VIL- NO. 2 LARKUCHI

26: KANDU BEPARI
SON OF JOYNAL VIL- NO. 2 LARKUCHI

27: SAHJAHAN ALI
GRANDSON OF NAYAB VIL- NO. 2 LARKUCHI

28: JAMALUDDIN
GRAND SON OF NAYAB VIL- NO. 2 LARKUCHI

29: MAHAR ALI
GRANDSON OF HABEZ VIL- NO. 2 LARKUCHI

30: AMZAD ALI
SON OF DWARAG VILL- NADIYA

31: ABDUL BAREK
SON OF DWARAG VIL- NO. 2 LARKUCHI

32: ASHRAF ALI
SON OF ALI AHMED VILL- NO. 2 LARKUCHI

33: AFALUR RAHMAN
SON OF ALI AHMED VIL- NO. 2 LARKUCHI

34: NIMAI SHEIKH
SON OF MAFEZ SHEIKH VILL- BELBELI.

35: MAJIBAR RAHMAN
SON OF JOYNAL SHEIKH VILL- BELBELI

36: USMAN GONI
SON OF NAYANDI VILL- BELBELI

37: BASIRUDDIN
SON OF TALEB VILL- BELBELI

38: KADER ALI
SON OF MAHAMMAD VIL- NO. 2 LARKUCHI

39: MUSTT. ANOWARA BEGUM

W/O MAHAMMAD VIL- NO. 2 LARKUCHI

40: KAYED ALI
SON OF SIDDIQUE ALI BELBELI

41: SADULLAH
SON OF SADAGAR VILL- BELBELI

42: MOYNAL HAQUE
SON OF JOYNAL

43: HAKIMUDDIN
SON OF USMAN GONI VILL- BELBELI.

44: AKBAR ALI
SON OF MAHAMMAD VIL- NO. 2 LARKUCHI

45: KHADEM
SON OF NIJAM VILL- NADIYA

46: BAHAR ALI
SON OF RAHIJ ALI VILL- NADIYA
VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
LAND SETTLEMENT BRANCH
NALBARI
DIST. NALBARI
ASSAM
PIN- 781335.

3:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE LAND SETTLEMENT BRANCH NALBARI
ASSAM
PIN- 781335.

4:THE CIRCLE OFFICER

BARKHETRI REVENUE CIRCLE
MUKALMUA PIN- 781126.

5:THE DIRECTOR OF LAND RECORDS AND
SURVEY ETC.
ASSAM
RUPNAGAR

GUWAHATI- 781032.

Advocate for : MD.A HUSSAIN

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND ORS

Linked Case : **WP(C)/190/2017**

SHIRAJUL ISLAM and 26 ORS.

S/OLT. ARMAN ALI

2: CHANMIA ALI

S/O LT. SATTAR ALI

3: SUKUR ALI

S/O MESER ALI

4: MRS. SIRIMAN NESSA

W/O LT. ARMAN ALI

5: RUPCHAN ALI

S/O LT. GONI ALI

6: JURAN ALI

S/O LT. HABI ALI

7: GARJAN ALI

S/O LT. JABED ALI

8: MUNTAZ ALI

S/O LT. ELO

9: MRS. SOLEMAN BEGUM

W/O LT. ELO

10: MRS. SALEHA BEGUM

W/O TAIB ALI

11: MRS. KHABIRAN BIDHABA

W/O LT. SUBAHAN ALI

12: FARMAN ALI

S/O LT. DURJAN ALI

13: MRS. AMENA BIDHABA

W/O LT. RAHAM ALI

14: MRS. JIRAMAN NESSA
W/O LT. HABEJ ALI

15: MRS. MOINA KHATUN
W/O LT.INTAZ ALI

16: MRS. REJIA BIDHBA
W/O LT. FULCHAN ALI

17: INTAZ ALI
S/O HALAL UDDIN

18: TAIAB ALI
S/O LT. DURJAN ALI

19: MRS. RABIA BIDHABA
W/O LT. DHANU

20: BAHARUL ISLAM
S/O TALEBAR ALI

21: MRS. JARIMAN KHATUN
W/O SADULLA ALI

22: ARFAN ALI
S/O AFAZ ALI

23: REJEK ALI
S/O LT. HABEJ UDDIN

24: AKKEL ALI
S/O LT. MAHAMMAD ALI

25: AMJAD ALI
S/O HALALUDDIN

26: MRS. BEILA KHATUN
W/O LT. RUPCHAN ALI

27: MRS. DIJAN BIDHABA
W/O MAHMUD ALI ALL ARE RESIDENTS OF VILL- LAWTHARI P.O.
JOYSAGAR
P.S. MUKALMUA MOUZA- MADHYAM BARKHETRI
DIST. NALBARI
ASSAM.
VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE SETTLEMENT DEPARTMENT
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GUWAHATI-6.

2:THE DIRECTOR OF LAND RECORDS
AND SURVEYS ETC. ASSAM
RUPNAGAR
GUWAHATI - 781032.

3:THE DEPUTY COMMISSIONER

LAND SETTLEMENT BRANCH NALBARI
DIST. NALBARI
ASSAM
PIN - 781335.

4:THE CIRCLE OFFICER

BARKHETRI REVENUE CIRCLE
NARAYANPUR MUKALMUA DIST. NALBARI
ASSAM
PIN - 781126.

Advocate for : MR.D N SARMA
Advocate for : appearing for THE STATE OF ASSAM and 3 ORS.

Linked Case : **WP(C)/5324/2011**

MD. MAKAR ALI and 69 ORS.
S/O- LT. AHMED ALI
VILL.- KALARDIA.

2: MONI HUSSAIN
S/O- MD. RAMES ALI
VILL.- MUKALMUA.

3: MD. SAMSO
S/O- LT. AKKES ALI
VILL.- KALARDIA.

4: NAJRUL HOQUE
S/O- MD. SONA ALI
VILL.- KALARDIA.

5: MAHIBAR RAHMAN
S/O- LT. JUMAT ALI

VILL.- MUKALMUA.

6: AKRAM ALI
S/O- LT. UNUS ALI
VILL.- MUKALMUA.

7: MAHMMAD ALI
S/O- LT. MASER ALI
VILL.- KALARDIA.

8: ASAN ALI
S/O- LT. TALEB ALI
VILL.- MUKALMUA.

9: ARIFUL ALI
S/O- MD. ABUL ALI VILL.- KALARDIA.

10: ARMAN ALI
S/O.- LT. IDAR ALI
VILL.- MUKALMUA.

11: APSER ALI
S/O- LT. KERAMAT ALI
VILL.- KALARDIA.

12: NUJIR ALI
S/O- LT. AHMED ALI
VILL.- KALARDIA.

13: MANTAJ ALI
S/O- LT. HAIDAR ALI
VILL.- KALARDIA.

14: AINODDIN ALI
S/O- LT. AJIM ALI
VILL.- MUKALMUA.

15: AYUB ALI
S/O- LT. MESER ALI
VILL.- KALARDIA.

16: NURODDIN ALI
S/O- MD. ALI HUSSAIN
VILL.- KALARDIA.

17: BILLAL ALI
S/O- MD. TAJAR ALI
VILL.- KALARDIA.

18: MAKBUL ALI
S/O- MD. ABBAS ALI
VILL.- KALARDIA.

19: SATTAR ALI
S/O- MD. BAKHTAR ALI
VILL.- KALARDIA.

20: AYUB ALI
S/O- LT. FARMUJ ALI
VILL.- KALARDIA.

21: JAKIR ALI
S/O- MD. MAHIBAR RAHMAN
VILL.- KALARDIA.

22: SAHEDA BIBI
W/O- SONALI
VILL.- KALARDIA.

23: SURIA BIBI
W/O- MD. TAIZO ALI
VILL.- KALARDIA.

24: RUME ALI
S/O- LT. LATIM ALI
VILL.- KALARDIA.

25: FAZAL ALI
S/O- LT. SAMIR ALI
VILL.- KALARDIA.

26: MONU HUSSAIN
S/O- LT. HURMAT ALI
VILL.- KALARDIA.

27: SONA ALI
S/O- LT. HURMAT ALI
VILL.- KALARDIA.

28: SAHNUR ALI
S/O- MD. HAZRAT ALI
VILL.- MUKALMUA.

29: IYAR ALI
S/O- LT. JINNAT ALI
VILL.- KALARDIA.

30: SAIFAL ALI
S/O- LT. HURMAT ALI
VILL.- MUKALMUA.

31: TAJER ALI
S/O- LT. HAIDA ALI
VILL.- KALARDIA.

32: PRAMESH DEKA
S/O- LT. BAMU RAM DEKA ALI
VILL.- HOWLI GHAT BARUAPUTA.

33: ISLAM ALI
S/O- LT. HAIDAR ALI
VILL.- KALARDIA.

34: MD. HAIDAR ALI
S/O- LT. PANIBHUWA ALI
VILL.- MUKALMUA.

35: MD. MUSLEMUDDIN
S/O- LT. LATIM ALI
VILL.- MUKALMUA.

36: SAIFO ALI
S/O- LT. KHABIR ALI
VILL.- KALARDIA.

37: BAKUL ALI
S/O- LT. HAMED ALI
VILL.- MUKALMUA.

38: NAFER ALI
S/O- MD. AHMED ALI
VILL.- MUKALMUA.

39: GAINUR ALI
S/O- MD. MEMBAR ALI
VILL.- KALARDIA.

40: SAIFO ALI
S/O- LT. HAMED ALI
VILL.- MUKALMUA.

41: ASHRAF ALI
S/O- LT. UNUS ALI
VILL.- KALARDIA.

42: SAHED ALI
S/O- LT. AJIM ALI
VILL.- KALARDIA.

43: ABBASH ALI
S/O- LT. HAMED ALI
VILL.- KALARDIA.

44: ASHAN ALI
S/O- MD. IYAR ALI
VILL.- MUKALMUA.

45: INTAZ ALI
S/O- LT. JINNAT ALI
VILL.- KALARDIA.

46: MANSUB ALI
S/O- LT. AMIR ALI
VILL.- KALARDIA.

47: TAIJO ALI
S/O- LT. TAHMAT ALI
VILL.- KALARDIA.

48: MD HAKIM ALI
S/OLT. NINGA ALI VILL- KALARDIA

49: MD SAHID ALI
S/O LT. DHANA ALI VILL- KALARDIA

50: MD NURAL ALI
S/O LT. TALEB ALI VILL- KALARDIA

51: MD MANTAZ ALI
S/O LT. JUMAR ALI VILL- MUKALMUA

52: MD IKBAL ALI
S/O MD MAFIJAR RAHMAN VILL- MUKALMUA

53: MD JITU ALI
S/O RUME ALI VILL- KALARDIA

54: MD GULAM ALI
S/O LT. SAIYAD ALI VILL- KALARDIA

55: MD SAHJAHAN ALI
S/O LT. SADEK ALI VILL- MUKALMUA

56: MD NABAB ALI
S/O LT. KUDRART ALI VILL- KALARDIA

57: MD SADHULLA ALI
S/O LT. NINGNA ALI VILL- KALARDIA

58: MD BAHARUL ALI
S/O LT. MASPIR ALI VILL- MUKALMUA

59: MD ATOWAR RAHMAN
S/O MD ABDUL HAKIM VILL- MUKALMUA

60: MD HAMED ALI
S/O LT. PIYAR ALI
VILL- MUKALMUA

61: MD JONAB ALI
S/O LT. NISAR ALI VILL- KALARDIA

62: MD TAFIK ALI
S/O LT. TAIZO ALI VILL- MUKALMUA

63: MRS. MIHIJAN BIBI
W/O MAHAMMAD ALI VILL- MUKALMUA

64: MD SOUKAT ALI
S/O LT. MAHAMMAD ALI VILL- MUKALMUA

65: TUBUL ALI
S/O SAIFUDDIN ALI VILL- MUKALMUA

66: ANOWAR HUSSAIN
S/O NURFARAJ VILL- MUKALMUA

67: MOFIDUL HUSSAIN
S/O MOBARAK HUSSAIN VILL- MUKALMUA

68: AKBAR ALI
S/O IYAR ALI VILL- MUKALMUA

69: AMJAD ALI
S/O IYAR ALI VILL- MUKALMUA

70: RAHMAN ALI
S/O LT. DHANBAR ALI
VILL- MUKALMUA
ALL PEITITIONERS ARE R/O ABOVE STATED VILLAGES P.O. and P.S.
MUKALMUA
MOUZA- MADHYAM BARKHETRI
DIST. NALBARI
ASSAM
PIN- 781126.
VERSUS

THE STATE OF ASSAM AND ORS
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MUKALMUA
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5:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.

ASSAM
RUPNAGAR
GHY-781032.

Advocate for : MD.S ISLAM
Advocate for : SC
DLR appearing for THE STATE OF ASSAM AND ORS

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 17.07.2024

Heard Mr. A. K. Hussain, learned counsel for the petitioner in WP(C) 290/2017 and Mr. R. Islam, learned counsel for the petitioner in WP(C) 5324/2011, WP(C) 844/2012 and WP(C) 190/2017. Also heard Mr. N. Goswami, learned Government Advocate for the State respondents and Mr. A. Bhattacharyya, learned Standing Counsel, Revenue & Disaster Management Department.

2. By filing the instant writ petitions, the writ petitioners are seeking direction, inter-alia, to give allotment in favour of the petitioners being river eroded persons in terms of the Land Advisory Board Meeting dated 21.01.2003 in respect of the land, which the petitioners were possessing for last several years.

3. The case of the petitioners is that due to erosion, they have lost their land, which they were genuinely possessing and therefore, they are entitled for allotment of land in terms of Land Advisory Board Minutes dated 21.01.2003.

4. The State Government by filing affidavit-in-opposition have stated that the allotment of land is a Government policy and under the said policy only genuine

indigenous landless people of Assam is covered. In the affidavit-in-opposition filed by the State Government, it is categorically averred that the petitioners are not covered by the land policy of the Government in view of the fact that they are mere encroachers without having any identity of permanency and therefore they are liable to be evicted from the reserved land. However, it appears that the petitioners by filing affidavit-in-reply in WP(C) 290/2017 have rebutted the aforesaid stand of the State Government by stating that they are patta holders and have been living in the subject land for several years.

5. Considering that admittedly there is a land policy under which river eroded inhabitants are allotted land, subject of course to the conditions laid therein, this Court is of the opinion that this writ petition can be disposed of with a direction to the Jurisdictional Deputy Commissioner to conduct an inquiry as regards the claims of the petitioners and if the said is found genuine and covered by the applicable land policy, the same shall be processed in accordance with law.

6. Ordered accordingly.

7. It is needless to clarify that the Jurisdictional Deputy Commissioner shall give opportunity to the petitioners to produce all the relevant documents in support of their claims while conducting the said inquiry.

8. Let the entire exercise be completed within a period of three months from the date of receipt of a certified copy of this order.

9. With the above observation and direction, these writ petitions are accordingly disposed of.

JUDGE

Comparing Assistant