

GAHC010010072024



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

Case No. : WP(C)/418/2024

DUI GAON SAMABAI SAMITI AND 79 ORS
REPRESENTED BY ITS SECRETARY SRI CHANDRA RAJKHOWA SITUATED
AT DEKACHUK, NANDIKESWAR, JAMUGURIHAT, P.S.-JAMUGURI,
SONITPUR, ASSAM

2: CHANDRA RAJKHOWA
S/O RATNESWAR RAJKHOWA
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

3: JIBAN NATH
S/O GONARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

4: GAJEN NATH
S/O ROSA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

5: MRS. BHANU DEVI
W/O CHUCHEN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

6: DEBA KANTA NATH
S/O NANDESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

7: INDRA NATH
S/O LT BIRU NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

8: MRS. DIPALI DEVI
W/O MAHENDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

9: BIMAN NATH
S/O TULARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR

ASSAM
PIN-784180

10: DILIP NATH
S/O SURANAN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

11: INDRESWR NATH
S/O BHABEN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

12: DULAL NATH
S/O BHABEN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

13: SARANANDA NATH
S/O TABHURAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

14: BHASKAR NATH
S/O PURNA KANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT

P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

15: BHASKAR DEV NATH
S/O MAHESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

16: HUMESWAR NATH
S/O RABINDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

17: DAMBARU NATH
S/O RABINDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

18: PADMA KANTA NATH
S/O RABINDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

19: JOGEN NATH
S/O DEHIRAM NATH
R/O DEKACHUK

NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

20: LALIT NATH
S/O PUNARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

21: RAMESH NATH
S/O DIMBESHWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

22: BIRAJ NATH
S/O GHANA KANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

23: PADMA KUMAR NATH
S/O HAREN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

24: NIRUD NATH

S/O HAREN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

25: DHARMESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

26: HIRANYA NATH BORA
S/O BHOLANATH NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

27: PANKAJ NATH
S/O SUREN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

28: AJIT NATH
S/O REBAN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

29: SADANANDA NATH
S/O GOLOK NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

30: HIM PRABAL NATH
S/O SADANANDA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

31: KARUNA NATH
S/O JONARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

32: HARAKANTA NATH
S/O JONARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

33: HAREN NATH
S/O DIMBESHWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM

PIN-784180

34: DEEP MONI NATH
S/O KUMUD NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

35: KAMALESWAR NATH
S/O THANU NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

36: HAREN NATH
S/O BINOD NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

37: MANTU KUMAR NATH
S/O KUMUD CHANDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

38: RATUL NATH
S/O UPEN NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI

SONITPUR
ASSAM
PIN-784180

39: JAYANTA NATH
S/O ROSHA KANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

40: ROSH NATH
S/O BETHARAM NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

41: BHARAT NATH
S/O CHANDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

42: KAMALESWAR NATH
S/O CHANDRA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

43: BHOLA NATH
S/O BINAD NATH
R/O DEKACHUK
NANDIKESWAR

JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

44: ABHISEK NATH
S/O SHUVESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

45: SUBHESWAR NATH
S/O BHEBUBA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

46: BHASKAR NATH
S/O JOGESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

47: BODHAN NATH
S/O HEMADHAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

48: MANI KANTA NATH
S/O PURNA KANTA NATH

R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

49: MUNINDRA NATH
S/O PURNAKANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

50: PURNA KANTA NATH
SHILESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

51: HANSHA NATH
S/O PADMA KANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

52: PRAFULLA NATH
S/O PADMA KANTA NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

53: JOGESWAR NATH
S/O LOKAI NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

54: CHANDAN NATH
S/O JOGESWAR NATH
R/O DEKACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

55: KANAK BORAH
S/O BHOGARAM NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

56: JAGAT BORA
S/O CHANDRA BORA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

57: DEB SAIKIA
S/O DULLARBHA SAIKIA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM

PIN-784180

58: PURNA SAIKIA
S/O DEBA SAIKIA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

59: KUMUD BORA
S/O MOHAN BORA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

60: DULAL BORAH
S/O GIRISH BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

61: PARESH BORA
S/O GIRISH BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

62: IRANJIT NATH
S/O DEBESWAR NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI

SONITPUR
ASSAM
PIN-784180

63: GOLAP NATH
S/O KESHARAM NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

64: MANASH JYOTI NATH
S/O LILA KANTA NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

65: CHANDRA RAJKHOWA
S/O RATNESWAR RAJKHOWA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

66: SANJIB RAJKHOWA
S/O RATNA RAJKHOWA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

67: REBAN KUMAR RAJKHOWA
S/O RATNA KANTA RAJKHOWA
R/O GHODHAMARACHUK
NANDIKESWAR

JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

68: JOYGESHWAR KAKATI
S/O FANIDHAR KAKATI
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

69: SUREN KAKATI
S/O FANIDHAR KAKATI
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

70: MADAN NATH
S/O BHADRESWAR NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

71: GANESH KAKOTI
S/O SARUKAN KAKOTI
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

72: PRAFULLA KAKATI
S/O SARUKAN KAKATI

R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

73: HEMODHAR BORAH
S/O KUSHARAM BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

74: RATUL BORAH
S/O RAMESH BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

75: NAREN BORA
S/O MOHAN BORA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

76: KHIRADHAR BORA
S/O BHOGARAM BORA
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

77: BISHESWAR BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

78: NABIN NATH
S/O PURNA KANTA NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

79: DIPAK NATH
S/O PURNA KANTA NATH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-784180

80: NIJU BORAH
S/O ADHAN BORAH
R/O GHODHAMARACHUK
NANDIKESWAR
JAMUGURIHAT
P.S.-JAMUGURI
SONITPUR
ASSAM
PIN-78418

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED HEREIN BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM, DEPARTMENT OF ASSAM LAND REVENUE AND DISASTER
MANAGEMENT, JANATA BHAWAN, DISPUR, GUWAHATI-06, ASSAM

2: THE DEPUTY COMMISSIONER
SONITPUR

P.O.-SONITPUR
PIN-784001
P.S. AND DIST-SONITPUR
ASSAM

3:THE CIRCLE OFFICER
NADUAR REVENUE CIRCLE
P.O. AND P.S.-BISWANATH CHARIALI
DIST-SONITPUR
ASSAM

4:THE CHAIRPERSON
JAMUGURIHAT MUNICIPAL BOARD
P.O.-JAMUGURIHAT
P.S.-JAMUGURI
DIST-SONITPUR
ASSAM
PIN-78214

Advocate for the Petitioner : MR DEBA SARMAH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19.04.2024.

Heard Shri Deba Sarma, learned counsel for the petitioners. Also heard Ms. G Hazarika, learned Standing Counsel, Revenue Department, Assam as well as Ms. S Baruah, learned State Counsel, Assam.

The petitioner no. 1 is a Samabai Samiti and the rest 79 petitioners claim to be the residents of the area in question. The petitioners claim to have been in possession of a plot of land which they are using as grazing land and are also paying land revenue.

The cause of action is based on an apprehension that the peaceful possession of the land would be disturbed by the authority.

Ms. Hazarika, learned Standing Counsel, Revenue Department, on the other hand, contends that except for a bald statement regarding apprehension, no materials have been placed to substantiate such apprehension. The learned Standing Counsel has also submitted that apparently, the land is a government land.

After hearing the parties and on a perusal of the materials placed before this Court, including the annexures, this Court is of the view that the apprehension expressed by the petitioners is not substantiated by any materials. A writ petition cannot be entertained on the basis of mere apprehension without their being any other materials to substantiate the same.

Accordingly, this writ petition is dismissed.

However, it is observed that in case, there is any cause of action, the petitioners would be at liberty to approach the appropriate forum.

JUDGE

Comparing Assistant