

GAHC010036932017



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

Case No. : WP(C)/5210/2017

ABUL HUSSAIN CHOUDHURY and 23 ORS.

2: DHONIA MIA
S/O- MOKBUL ALI

3: CHAND MIA
S/O- JABAN ALI

4: ENAMUL HOQUE LASKAR
S/O- LATE ALIM UDDIN LASKAR

5: RAJIB UDDIN MAZUMDER
S/O- AYNUL HAQUE MAZUMDER

6: JABIL AHMED
S/O- FARIS UDDIN

7: KULSUMA BEGUM MAZUMDER
D/O- LATE TAYAB ALI MAZUMDER

8: ALI AMZAD BARBHUIYA
S/O- LATE ABU BAKKAR BARBHUIYA

9: RAFIQUE UDDIN MAZUMDER
S/O- LATE FIROJ ALI MAZUMDER

10: AFTAR UDDIN
S/O- LATE ARPAN ALI

11: ROIS ALI SHEIKH
S/O- LATE ASAD ALI SHEIKH

12: ALI AHMED

S/O- LATE HAMID RAJA

13: MONAI MIA
S/O- LATE MOKBUL ALI

14: AMIR HUSSAIN LASKAR
S/O- AKBAR ALI LASKAR

15: FARUK AHMED SHEIKH
S/O- ULFAT ALI SHEIKH

16: SARIF UDDIN
S/O- LATE SURAJ ALI

17: RAHIM UDDIN
S/O- FUSMAT ALI

18: LUKUCH MIA
S/O- MURAKIB ALI

19: MOINA MIA BARBHUIYA
S/O- LATE TAZAMUL ALI BARBHUIYA

20: AYZAZ ALI
S/O- LATE ATAR ALI

21: JABUL HUSSAIN
S/O- AYZAZ ALI

22: ABDUL JALIL
S/O- LATE SAID ALI

23: JAMILA KHATUN LASKAR
W/O- LATE ALIM UDDIN LASKAR

24: ALIM UDDIN
S/O- ABDUR RAHMAN
ALL ARE R/O- VILL- RAJGHAT
P.O- BHAGABAZAR
P.S- DHOLAI
DIST- CACHAR ASSAM
PIN- 78812

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
REVENUE SETTLEMENT DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR
LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI- 32

3:THE DEPUTY COMMISSIONER
LAND SETTLEMENT BRANCH CACHAR
P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

4:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE BRANCH CACHAR
P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

5:THE CIRCLE OFFICER
SONAI REVENUE CIRCLE
P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788119

6:THE ASSISTANT SETTLEMENT OFFICER
SONAI REVENUE CIRCLE
P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788119

7:NURUL ISLAM LASKAR
S/O. LATE KAMAL DAR ALI LASKAR
VILL. RAJGHAT
P.O. BAGABAZAR
P.S. DHOLAI
DIST. CACHAR
ASSAM

Advocate for the Petitioner : MS. A BEGUM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

20.05.2024

Heard Mr. A.H.M.R. Choudhury, learned counsel for the petitioners. Also heard Ms. N. Bordoloi, learned Standing Counsel, Revenue for the respondent Nos. 1 & 2 and Ms. K.A. Mazumder, learned counsel for the respondent No.7.

2. The instant writ petition has been filed challenging the notice issued under the Regulation 18(2) of the Assam Land and Revenue Regulation, 1886 by the Circle Officer, Sonai Revenue Circle, Sonai, Cachar asking the petitioners to vacate the VGR lands measuring 34 Bighas under Dag No. 478/465 Mouza-Rajghat, Porgona Devidsonabad under Sonai Revenue Circle in the District of Cachar.

3. The case of the petitioners is that the petitioners as well as the predecessor-in-interest of the Petitioners have been residing for the last 40-45 years in the said land and as such they are landless people for which the petitioners should not be evicted in terms with the said notice.

4. This Court has also perused the affidavit-in-opposition filed on 14.05.2024, wherein it has been mentioned that the lands in question are VGR lands and as such, in order to free the VGR lands, the said notice was issued. The said action on the part of the respondent authorities is in accordance with the provisions of Rule 18(2) of the Settlement Rules under the Assam Land and Revenue Regulation, 1886 and further, is in consonance with the judgment of the Supreme Court ***Jagpal Singh and Others Vs. State of Punjab and others*** reported in ***(2011) 11 SCC 396***. Under such circumstances, this Court finds no

ground to interfere with the notice which has been issued to the petitioners. The respondent authorities, therefore, shall be at liberty to take such action as deemed fit in accordance with law.

5. With above observations and directions, the instant writ petition stands disposed of.

6. Before parting with the records, this Court however observes that the petitioners herein would be at liberty to file appropriate application in terms with the Land Policy, 2019, if they are eligible in terms with the said Land Policy seeking allotment of other lands.

7. These observations, however, shall not affect the rights of the respondent authorities to take such action in terms with the impugned notice.

8. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant