



GAHC010019392014



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

Case No. : WP(C)/6485/2014

MAHIM CHANDRA NATH and 9 ORS
S/O LT. BANSHIDHAR NATH, VILL. SALOIPARA CHENIBAGICHA, P.S.
MANAGALDOI, P.O. CHOPAI, DIST- DARRANG, ASSAM, PIN-784529

2: NAMITA NATH
D/O LT. BANSHIDHAR NATH
VILL. SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

3: DALIMI NATH @ DALIMI DEVI
W/O LT. POBITRA NATH
VILL. SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

4: MUHILA NATH @ MUHILA DEVI @ MUHILA BALA NATH
W/O LT. LALIT NATH @ LALIT CH. NATH
VILL. SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529



5: RAJIB NATH @ RAJB KR. NATH
S/O LT. LALIT NATH @ LALIT CH. NATH
VILL. SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

6: HEMONTI NATH
D/O LT. LALIT NATH @ LALIT CH. NATH
SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

7: DURGESWAR NATH
S/O LT. BIDYARAM NATH
SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

8: GADHULI NATH
W/O LT. BIDYARAM NATH
SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

9: NABIN NATH
S/O LT. POTIA NATH
SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM



PIN-784529

10: GIRISH NATH
S/O LT. POTIA NATH
SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-78452

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECY., REVENUE AND DISASTER MANAGEMENT
DEPTT., GOVT. OF ASSAM, DISPUR, GHY-6

2:OFFICER-ON- SPECIAL DUTY
REVENUE and DM DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

3:THE DY. COMMISSIONER
DARRANG
DIST- DARRANG
MANGALDAI
ASSAM
PIN-784125

4:THE ADDL. DY. COMMISSIONER REV
DARRANG
MANGALDAI
ASSAM
PIN784125

5:THE CIRCLE OFFICER
MANGALDOI REVENUE CIRCLE
MANGALDAI
DIST- DARRANG
ASSAM
PIN-784125

6:THE DIRECTOR OF TECHNICAL EDUCATION ASSAM
KAHILIPARA
GHY-19
ASSAM



7:SRI BHARGAB KR. DAS
S/O LATE PANI RAM DAS
R/O LNB ROAD
TENGABARI
P.O. MANGALDOI
DIST. DIST. DARRANG
ASSAM.

8:MD. SAYADUR RAHMAN

S/O MD. SABED ALI
R/O VILLAGE-KABIKARA
P.O. JANARAM CHOWKA
DIST. DARRANG
ASSAM.

9:SRI DWEEP KISHOR SAIKIA

S/O SRI DEBESWAR SAIKIA
R/O VILLAGE-UPOHUPARA
P.O. MANGALDOI
DIST.DARRANG
ASSAM
PIN-784125.

10:SRI LAKSHAN SAHARIA

S/O LATE LOHIT SAHARIA
R/O MILANPUR
P.O.MANGALDOI
DIST.DARRANG
ASSAM.

11:SRI ANIL PRIYARAM SARMA

S/O LATE NAGENDRA NATH SARMA
R/O VILLAGE-CHANGELIAPARA
P.O.MANGALDOI
DIST. DARRANG
ASSAM
PIN-784125.

12:SRI BIDYUT BARUN SARMA

S/O SRI DANDADHAR SARMA
R/O VILLAGE-NO.1 BEZPARA
P.O. MANGALDOI



DIST.DARRANG
ASSAM
PIN-784125

Advocate for the Petitioner : MR. K M MAHANTA, MR. K K MAHANTA,MR. K SINGHA,MRS. P BARUAH

Advocate for the Respondent : GA, ASSAM, SC, TECHNICAL EDU.,,.,SC, REVENUE,MR. K RAJBONGSHI,MR. M MAHANTA,MR. R P N SINGH,SC, HIGHER EDUCATION

Linked Case : WP(C)/1518/2015

SRI PRAFULLA NATH and 3 ORS

S/O LT. KOLA RAM NATH
VILL. SALOIPARA
CHENIBAGICHA
P.S. MANGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

2: PURANDAR NATH
S/O LT. KOLA RAM NATH
VILL. SALOIPARA CHENIBAGICHA
P.S. MANAGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

3: BASURAM NATH
S/O LT. KOLA RAM NATH
VILL. SALOIPARA CHENIBAGICHA
P.S. MANAGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529

4: DANDIRAM NATH
S/O LT. LAKHHAN NATH



VILL. SALOIPARA CHENIBAGICHA
P.S. MANAGALDOI
P.O. CHOPAI
DIST- DARRANG
ASSAM
PIN-784529
VERSUS

THE STATE OF ASSAM and 5 ORS

REP. BY THE PRINCIPAL SECY. REVENUE AND DISASTER MANAGEMENT
DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

2:DY. SECY. TO THE GOVT. OF ASSAM
REVENUE and DM S DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

3:THE DY. COMMISSIONER
DARRANG
MANGALDAI
ASSAM
PIN-784125

4:THE ADDL. DY. COMMISSIONER REV
DARRANG
MANGALDAI
ASSAM
PIN-784125

5:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE
DARRANG
MANGALDAI
ASSAM
PIN-784125

6:THE DIRECTOR SOCIAL WELFARE DEPTT.
ASSAM
UZANBAZAR
GHY-1

Advocate for : MRS. P BARUAH
Advocate for : SC



REVENUE appearing for THE STATE OF ASSAM and 5 ORS

Linked Case : WP(C)/1600/2015

SMT. MUHILA NATH @ MUHILA DEVI @ MUHILA BALA NATH and 6 ORS

W/O- LT. LALIT NATH @ LALIT CH. NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANAGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

2: RAJIB NATH @ RAJB KR. NATH
S/O- LT. LALIT NATH @ LALIT CH. NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

3: HEMONTI NATH
D/O- LT. LALIT NATH @ LALIT CH. NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

4: PRAFULLA NATH
S/O- LT. KOLA RAM NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

5: PURANDAR NATH
S/O- LT. KOLA RAM NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI



P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

6: BASURAM NATH
S/O- LT. KOLA RAM NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.

7: DANDIRAM NATH
S/O- LT. LAKHHAN NATH
VILL.- SALOIPARA CHENIBAGICHA
P.S.- MANGALDOI
P.O.- CHOPAI
DIST.- DARRANG
ASSAM
PIN- 784529.
VERSUS

THE STATE OF ASSAM and 8 ORS

REP. BY THE PRINCIPAL SECY.
REVENUE and DISASTER MANAGEMENT DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI
ASSAM- 781006.

2:DY. SECY. TO THE GOVT. OF ASSAM
REVENUE and DM S DEPTT.
DISPUR
GHY- 6.

3:THE DY. COMMISSIONER
DARRANG
DIST.- DARRANG
MANGALDOI
ASSAM- 784125.

4:THE ADDL. DY. COMMISSIONER REV
DARRANG
MANGALDOI
ASSAM- 784125.



5:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE
MANGALDAI
DIST.- DARRANG
ASSAM
PIN- 784125.

6:DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM
GUWAHATI
ASSAM- 781037.

7:THE DIRECTOR
UCO
RURAL SELF EMPLOYMENT TRAINING INSTITUTE RSETI
DARRANG
MANGALDAI
DIST.- DARRANG
ASSAM- 784125.

8:THE DIRECTOR
DAIRY DEVELOPMENT
ASSAM
KHANAPARA
GUWAHATI
ASSAM- 781022.

9:THE DIST. COORDINATOR
AACP-DD
DARRANG
MANGALDAI
ASSAM- 784125.

Advocate for : MR.K SINGHA
Advocate for : GA
ASSAMR1-6
8 appearing for THE STATE OF ASSAM and 8 ORS



BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri K.K. Mahanta, Sr. Advocate assisted
by Ms. N. Begum, Advocate.

Advocates for the respondents : Shri H. Sharma, Addl. Sr. GA, Assam,
Shri A. Bhattacharjee, SC, Revenue Department ;
Ms. P.R. Mahanta, SC, Technical Education Department.

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 09.12.2025

Whether the pronouncement is of the operative part of the
judgment? : NA

Whether the full judgment has been pronounced? : Yes



JUDGMENT & ORDER

All these 3 writ petitions being connected, are heard together and disposed of by this common judgment and order. The subject matter involves eviction of the petitioners from certain plots of land.

2. As per the facts projected, the petitioners were initially residing at Gorukhuti near Sipajhar and due to a flood situation in the year 1950, they had to shift from their original place of residence and had prayed to the authorities for their rehabilitation. It is projected that around 60 such families were rehabilitated in Tea Garden area, namely, Saloipara Village which was requisitioned. According to the petitioners, they were also paying certain revenues in terms of the Assam Land (Requisition and Acquisition) Rules, 1950. However, while the petitioners were in peaceful possession, they were issued notices directing for production of the documents pertaining to the ownership / possession of the land or otherwise the allotment, if any, would be cancelled. In response to the said notices, few of the petitioners had submitted documents but due to a fire, certain important documents were gutted for which the other petitioners could not submit the documents. Few of the petitioners had also approached the Civil Court by filing a Title Suit which was however withdrawn on technical grounds. Thereafter, a writ petition being WP(C)/7531/2013 was filed which was also withdrawn due to certain developments followed by filing of these 3 (three) writ petitions.

3. I have heard Shri K.K. Mahanta, learned Senior Counsel assisted by Ms. N. Begum, learned counsel for the petitioners in all the three cases. I have also heard Shri H. Sharma, learned Addl. Senior Government Advocate, Assam, Shri A. Bhattacharjee, learned Standing Counsel, Revenue Department and Ms. P.R.



Mahanta, learned Standing Counsel, Technical Education Department.

4. Shri Mahanta, the learned Senior Counsel for the petitioners has submitted that the petitioners are in peaceful possession of the land in question and till now there is no notice directing them to vacate the land. He has reiterated that the lands were duly allotted under the Rules of 1950 and they have been paying the revenue. He has also highlighted that though the lands under the possession of the petitioners were sought to be allotted for construction of certain institutions, such constructions did not take place within the specified time and therefore, such allotment has spent its force.

5. The learned Senior Counsel has drawn the attention of this Court to the Rule 6 of the Rules of 1950 as per which the revenue / requisition amounts have been paid and in this connection, he has drawn the attention of this Court to the receipts of such payment enclosed to the petitions. He accordingly submits that the writ petitions may be allowed and the interim orders be made absolute.

6. *Per contra*, Shri H. Sharma, the learned State Counsel has raised a preliminary objection by contending that the documents which are relied upon by the petitioners are translated / typed copies and the copies of the originals have not been enclosed to any of the writ petitions. He has stated that when this aspect was highlighted, the petitioners were directed to file rejoinder affidavit annexing such documents which also have not been done. He has submitted that there are no records to indicate that any allotment of land was ever done to any of the petitioners. He has submitted that in absence of any documents, the claim that any land was allotted to the petitioners cannot be an acceptable proposition. He has also submitted that though affidavit-in-opposition has been filed refuting the claims of the petitioners, no rejoinder



affidavit has been filed in any of the case.

7. Supporting the submission of the learned State Counsel, Shri Bhattacharjee, the learned Standing Counsel, Revenue Department has submitted that so far as WP(C)/6485/2014 is concerned, the land in question was allotted and duly handed over to a Polytechnic Institute at Mangaldai. In this connection, he has drawn the attention of this Court to the certificate of "Handing Over and Taking Over" which would disclose that at such time, there was no encroachment from any quarters. He has however submitted that because of the interim order passed by this Court, further construction of the project could not be done and in the meantime, the period stipulated has also lapsed.

8. Drawing the attention of this Court to the notice annexed to the writ petition, the learned Standing Counsel has submitted that such notice can be construed to be a notice under Rule 18 of the Rules under the Assam Land and Revenue Regulation and going by the mandate of the Hon'ble Division Bench in the case of ***Md. Salak Uddin vs State of Assam and Ors.*** reported in **2024 (4) GLT 859**, the petitioners are liable to be evicted in case they are in possession as such possession are *ex facie* illegal.

9. Ms. Mahanta, the learned Standing Counsel, Technical Education has supported and endorsed the views and submissions made by the learned State Counsel and the learned Standing Counsel, Revenue Department and has prayed for dismissal of the writ petitions.

10. The rival submissions have been duly considered and the materials placed before this Court have been carefully examined.

11. The claim of the petitioners is that due to certain flood in the year 1950,



they are rehabilitated in a Tea Garden area in a village called Saloipara. Though the claim is that such rehabilitation was done by invoking the Rules of 1950 and in support thereof, certain documents have been enclosed to the writ petition, there is not even a single document, the copies / photocopies of which have been annexed. This Court has found that translated / typed copies of certain documents have been enclosed. To a specific query, the learned counsel for the petitioners has submitted that the original documents were returned back to the clients. However, what is of concern is that even no rejoinder affidavit was filed wherein such copies could have been enclosed supported by an affidavit.

12. Be that as it may, as per the projection made, the petitioners are in possession of certain areas of land as indicated in the petitions. The certificate of handing over / taking over, namely, to the Polytechnic, Rural Self Employment Training Institute (RSETI) and the Directorate of Social Welfare for construction of shelter home for mentally ill people would show that the plots of land were encroachment free. At this stage, Shri Sharma, the learned State Counsel has also drawn the attention of this Court to an order dated 05.12.2014 passed in WP(C)/7531/2013 in which this Court had recorded that the liberty to withdraw the writ petition was prayed for by the learned Senior Counsel noticing that the Government Land in question was allotted to various public institutions. For ready reference, the aforesaid order is extracted herein below:

“The respondent Nos. 5 to 10 have got themselves impleaded and have also filed the Misc Case No. 1618/2014 for recalling the Court’s interim order dated 20.12.2013 passed in favour of the petitioners.

Noticing the fact that the concerned govt. Land is now allotted to various public institutions, Mr. K.K. Mahanta, the learned Sr. Counsel prays for liberty to withdraw the writ petition, so that appropriate steps can be taken by the petitioners.

In view of the above prayer made by the petitioners’ lawyer, the



case is disposed of as not pressed. The interim order accordingly stands recalled. It is ordered accordingly."

13. In a proceeding under Article 226 of the Constitution of India, this Court has to adjudicate a matter on the basis of pleadings supported by an affidavit and the relevant documents, duly verified are to be placed before this Court. The respondents are at liberty to refute any such pleadings and also question the veracity of the documents which appears to have been done in all the three cases by the respondents.

14. As noted above, the petitioners chose not to file any rejoinder affidavit to the affidavit-in-opposition and also did not take any steps to bring on record the original copies or even photocopy thereof to substantiate their claim. In that view of the matter, it becomes difficult for this Court to accept the projection that lands were indeed allotted to the petitioners in terms of the Rules of 1950.

15. Having said that, it appears that the petitioners are in possession of certain lands which are admittedly government land. The notice which was issued earlier has been perused and the said notice is only on the aspect of production of documents of allotment which, if not done would lead cancellation of the allotment. Though a contention has been advanced that such notice may be construed to be a notice under Rule 18, this Court is of the view that to ensure transparency and fairness, a proper notice under Section 18 is required to be issued to the incumbents who are in illegal occupation and possession of Government land if there is a requirement to make such land encroachment free.

16. In view of the above, while this Court is of the view that no case for interference is made out by the petitioners, it is provided that while the writ



petitions are dismissed, the respondent authorities would have the liberty to initiate a process for eviction strictly in accordance with law and the principles laid down by the Hon'ble Division Bench in the case of ***Md. Salak Uddin*** (supra).

17. All the writ petition stands disposed of in the manner indicated above. Interim orders stand vacated.

JUDGE

Comparing Assistant