

GAHC010194392026



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

Case No. : WP(C)/4903/2026

JAHIDUL ISLAM AND 20 ORS
S/O- AKBAR ALI, RESIDENT OF VILLAGE - KHAMARMANIKPUR
(MAGURMARI), P.O.-HARIMURA, P.S.- MORNOI, DIST.-GOALPARA, ASSAM,
PIN 783126.

2: SAH ALAM
S/O- AKBAR ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

3: SAHAB UDDIN
S/O-AKABAR ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

4: JAMSER ALI
S/O-LT. TALEB ALI MUNSHI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

5: RASHIDUL ALI
S/O. ALIMUDDIN SHEIKH

RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

6: SALAM ALI
S/O. LT. SALIM UDDIN
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

7: SURHAB ALI
S/O-LT. KASHEM ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

8: ABDUL HAI
S/O. LT. NASHER ALI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

9: JALAL UDDIN
D/O- LT. MAFIJ UDDIN
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

10: SABDER ALI
S/O-LT. MANIK ULLAH
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI

DIST.- GOALPARA
ASSAM
PIN 783123

11: SHUKUR ALI
S/O-SABDER ALI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

12: SHER ALI
S/O-LT. GANI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

13: JAYNAL ABDIN
S/O- LT. KHALIL
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

14: IDRIS ALI
S/O- LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

15: AJGAR ALI
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

16: JAYNAL ABDIN
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

17: IBRAHIM ALI
S/O- KALACHAN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

18: HAREJ ALI
S/O- LT. KASHEM
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

19: RAHIM BADSHAH
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

20: SAIFOR ALI
S/O-LT. AKSED ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

21: MANIRUL HOQUE
S/O-LT. SAHJAHAN

RESIDENT OF VILLAGE AND P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN -783123

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY, GOVERNMENT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT,DISPUR, GUWAHATI, ASSAM 781006.

2:THE DISTRICT COMMISSIONER
GOALPARA
ASSAM -783121.

3:THE CIRCLE OFFICER
MATIA REVENUE CIRCLE
MATIA
GOALPARA
ASSAM -7813125

For the Petitioner(s) : Mr. S. Borthakur, Sr. Advocate
: Mr. J. Abbas, Advocate

For the Respondent(s) : Mr. S. S. Roy, Government Advocate
: Ms. G. Hazarika, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 07.09.2026

Issue notice making it returnable on 11.09.2026.

2. Ms. G. Hazarika, the learned Standing counsel accepts notice on behalf of the Respondent No.1 and Mr. S. S. Roy, the learned Government Advocate accepts notice on behalf of the

Respondent Nos. 2 and 3.

3. As the Respondents are duly represented, extra copies of the writ petition be served upon them during the course of the day.

4. The Petitioners herein are aggrieved by the actions on the part of the Respondent No.3 in issuance of notices on 05.09.2026 thereby threatening the Petitioners that if the dwelling houses so constructed on their own agricultural lands are not demolished within 24 hours, legal action would be taken against the Petitioners under Rule 6 of the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886 read with Sections 30(2)(v) and 34(k) of the Disaster Management Act, 2005.

5. From a perusal of the notices which have been enclosed to the writ petition as Annexure- 1 (colly), it is apparent that these notices are in relation to the patta lands belonging to the Petitioners.

6. This Court has also taken note of Section 3(iv) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 (for short 'the Act of 2015') which categorically mandates that no permission is required to be obtained from the Deputy Commissioner under Section 3 the

Act of 2015 when an agricultural land not exceeding one bigha is intended to be used or transferred for construction of one's own dwelling house and when construction of the said structure is limited to two-storeys.

7. Mr. S. Borthakur, the learned Senior counsel appearing on behalf of the Petitioners submitted that the notices were issued on 05.09.2026 and in the wee hours of the morning today, the dwelling houses of the Petitioners have been demolished. No opportunity whatsoever was granted to the Petitioners even to have a say.

8. In the opinion of this Court, the actions on the part of the Respondent No.3 prima facie appear to be illegal and unauthorized and violative of the principles of natural justice which is a facet of Articles 14 and 21 of the Constitution. It is absolutely unthinkable in the present day when there are galore of settled principles that such notices were issued in this manner without providing even an opportunity to the Petitioners. Further to that, the notices do not reflect any imminent danger to invoke such drastic powers on private lands.

9. The learned Government Advocate appearing on behalf of the Respondent Nos. 2 and 3 is directed to provide instructions

to this Court on the next date without fail as to what was the imminent danger that necessitated actions of demolishing the dwelling houses of the Petitioners.

10. This Court further grants the liberty to the Petitioners to file an additional affidavit in the meantime thereby to bring on record the demolition as well as the loss suffered by the Petitioners on account of the demolition.

11. This Court further directs that no further action be taken by the Respondent Nos. 2 and 3 on the lands of the Petitioners till the next returnable date.

12. Mr. S. S. Roy, the learned Government Advocate who represents the Respondents Nos. 2 and 3 shall intimate the Respondent Nos. 2 and 3 by telephone about the order passed herein.

13. List accordingly.

JUDGE

Comparing Assistant