

GAHC010131282026



2026:GAU-AS:10003-DB

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

Case No. : WA/243/2026

1: JAHAR ALI AND 16 ORS.
S/O. ACHER ALI @ ASER UDDIN

2: SAMSUL HOQUE
S/O AB RAHMAN

RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE BLOCK
P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 783348

3: AKBAR ALI
S/O MAKADAM ALI RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

4: OSMAN ALI
S/O RAIJUDDIN RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

5: ALI HUSSAIN
S/O MAKADAM ALI RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

6: RUPBHANU NESSA
W/O NURUL ISLAM RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

7: UMED ALI
S/O ABDUL WAHAB RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

8: SUJAL HOQUE
S/O ALI AKBAR RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

9: AJAHAR ALI
S/O ALI AKBAR RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

10: SOAGI KHATUN
W/O SARBESH ALI

11: JOYNAL ABEDIN
S/O KABED ALI

RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O.
CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 783348

12: SAHID ALI
S/O JAFAR ALI RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE BLOCK
P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 783348

13: SONA UDDIN
S/O JAFAR ALI RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE BLOCK
P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 783348

14: FORIDA KHATUN
W/O MAHIRUDDIN SHEIKH RESIDENT OF VILLAGE- CHARUABAKHRA
JUNGLE BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM
PIN- 783348

15: JAMELAN KHATUN
W/O SONA UDDIN RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE
BLOCK P.O. CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN-
783348

16: AYNAL HOQUE
S/O MOKSED ALI

17: ABDUL BAREK
S/O JANIK ULLA MUNSHI

RESIDENT OF VILLAGE- CHARUABAKHRA JUNGLE BLOCK P.O.
CHIRAKUTA P.S. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 78334

VERSUS

1: THE STATE OF ASSAM AND 6 ORS. REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT, DEPARTMENT, DISPUR, GUWAHATI-781006.

2: THE DISTRICT COMMISSIONER OF DHUBRI
DISTRICT AT DHUBRI P.O. AND DISTRICT- DHUBRI PIN- 783301

3: THE CIRCLE OFFICER CHAPAR REVENUE CIRCLE
P.O. CHAPAR DISTRICT- DHUBRI ASSAM PIN- 783371

4: THE COMMISSIONER OF BILASIPARA CO-DISTRICT
P.O BILASIPARA DISTRICT- DHUBRI ASSAM PIN- 783348

5: THE ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
BIJULEE BHAWAN PALTANBAZAR GUWAHATI DISTRICT-0 KAMRUP(M)
ASSAM PIN- 781001

6: THE CO-DISTRICT LAND ADVISORY COMMITTEE BILASIPARA
REPRESENTED BY ITS CHAIRMAN/ CO-DISTRICT COMMISSIONER OF
BILASIPARA P.O.- BILASIPARA DISTRICT- DHUBRI ASSAM PIN- 783348

7: THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF POWER DISPUR GUWAHATI- 0

For the Appellant(s) : Mr. M.A. Sheikh, Advocate.
: Ms. F. Intaz, Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue & Disaster Management
Department for respondent No.1.
: Mr. R.K. Borah, Additional Sr. Government Advocate, Assam for
respondent Nos.2, 3, 4, 6 and 7.
: Mr. B. Choudhury, Standing Counsel, APDCL for respondent No.5.

– **B E F O R E** –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

22.07.2026
(Ashutosh Kumar, CJ)

Heard Mr. M.A. Sheikh, learned Advocate for the appellants; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster Management

Department for respondent No.1; Mr. R.K. Borah, learned Additional Senior Government Advocate, Assam for respondent Nos.2, 3, 4, 6 and 7 and Mr. B. Choudhury, learned Standing Counsel, APDCL for respondent No.5.

The present appeal has been filed against the refusal of the learned Single Judge to pass an *interim* order in WP(C) No.2673/2026 in favour of the appellants.

It appears that the appellants, who are landless individuals, were given settlement on Government land long time ago on which they are in continuous possession for about 50(fifty) years and have been paying Touzi Bahira revenue.

Pursuant to a Notification dated 11.11.2022 issued by the Government inviting applications for settlement of such lands, the appellants had also applied online for formal grant of patta/settlement of the respective plots but their applications were rejected. The land on which the appellants had been residing was, it has been argued, recorded in the name of the respondent No.5/Assam Power Distribution Company Limited (APDCL).

This decision was questioned by the appellants before the learned Single Judge, as noted above, in which notices were issued to the parties for a final consideration. However, the prayer for *interim* protection was refused.

Mr. Sheikh, learned Advocate for the appellants submits that there is a serious apprehension of the appellants that they shall be evicted from the land even before the matter is finally decided. It has also been submitted that under similar circumstances, *interim* orders have

been passed by Coordinate Benches of this Court.

Mr. B. Choudhury, learned counsel representing the respondent No.5, however, submits that such persons in whose favour *interim* orders were passed had already been allotted the patta land, whereas the prayer for allotment of land to the appellants was rejected by the competent authority. In that view of the matter, there would be no parity in the cases of the appellants with the cases of the persons in whose favour *status quo* orders have been passed by Coordinate Benches.

Be that as it may, considering the fact that a big plot of land has been given to the respondent No.5/APDCL and for most of the parts, the settlees have been given *status quo* orders, we are of the view that this aspect ought to be considered by the learned Single Judge.

We, therefore, dispose off this appeal with a request to the learned Single Judge to consider this aspect of the matter and pass necessary orders, otherwise so far as the writ petition preferred by the appellants are concerned, that would become infructuous.

With the afore-noted observation, the writ appeal stands disposed off.

JUDGE

CHIEF JUSTICE

Comparing Assistant