

GAHC010005922026



2026:GAU-AS:2040

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

Case No. : WP(C)/7391/2025

ABDUL KADIR AND 132 ORS
S/O- AIN UDDIN
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

2: ABDUL NUR
S/O- BARIK ALI
VILL- 9 NO. KHERONI
HOUSE NO- 188
DAPARA
DIST- NAGAON
ASSAM

3: EMRAJUL ISLAM
S/O- SAHED ALI
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

4: AKBAR ALI
S/O- LT ASAN ALI
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

5: MAFIDUL ISLAM
S/O- TAHAIR ALI
VILL- NO.3 RAJAPUKHURI
DIST- NAGAON
ASSAM

6: JAMAL UDDIN
S/O- SAFIR UDDIN
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

7: WAHAB ALI
S/O- ABDUL RAHMAN
VILL- 9. NO KHERANI
DAPARA
DIST- NAGAON
ASSAM

8: RAMJAN ALI
S/O- RABI HUSSEN
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

9: ABDUL HASEN
S/O- ISAB ALI
VILL- LONGJUP PADUMANI HATIPARA FV
DIST- NAGAON
ASSAM

10: ABDUL HAMID
S/O- LT ABDUL MAJIT
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM

11: JALAL UDDIN
S/O- TAHER UDDIN VILL- LONGJUP PADUMANI
JURIRPAR BARPANI
DIST- NAGAON
ASSAM

12: AFTAR UDDIN
S/O- SHEIKH MAMUD
VILL- LONGJUP PADUMANI HATIPARA FV
DIST- NAGAON
ASSAM

13: IKRAMUL HUSSAIN

S/O- SAMSUL HAQUE
VILL- LONGJUP PADUMANI HATIPARA FV DIST- NAGAON
ASSAM

14: MAHIJ UDDIN
S/O- AMIR UDDINAGE- 40VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

15: ABDUL RAHMAN
S/O- ABDUL KADIRAGE- 40VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

16: SAHAB UDDIN
S/O- NUR UDDINAGE- 39VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

17: MAHAMMAD SHAJAHAN
S/O- ABDUL NABIAGE- 55VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

18: ABDUL JALIL
S/O- SHEKH MAMUDAGE- 71VILL- LONGJUP PADUMANI HATIPARA
FVDIST- NAGAON
ASSAM

19: HABIBUR RAHMAN
S/O- SIRAJ UDDINAGE- 55VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

20: NUR UDDIN
S/O- SAMEDAGE-55VILL- JURIRPAR BARPANIDIST- NAGAON
ASSAM

21: KUDDUS ALI
S/O- SABED ALIAGE-70VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

22: MD AIJUL HOGUE
S/O- ABDUL ALIAGE- 55VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

23: SAIDUR RAHMAN
S/O- ROCHAMAT ALIAGE- 55VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

24: ABDUL HASEN
S/O-ABDUL LATIFAGE- 70VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

25: JINNAT ALI
S/O- SABED ALIAGE- 55VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

26: SHAJAHAN ALI
S/O- AHMMAD ALIAGE-62VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

27: IDRIS ALI
S/O- SABED ALIAGE- 75VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

28: NUR HUSEN
S/O- ABDUL HELIMAGE- 60VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

29: INNAS ALI
S/O- SABED ALIAGE- 65VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

30: ABDUL KHALAK
S/O- ROCHAMAT ALIAGE- 70VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

31: NUR HUSSEN
S/O- LT JAHUR ALIAGE- 48VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

32: KAMAL UDDIN
S/O- HARJAT ALIAGE-65VILL- 9 NO KHERONI
DAPARADIST- NAGAON

ASSAM

33: ABDUL SATTAR
S/O- SABED ALIAGE- 85VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

34: ABDUL RAHIM
S/O-AKBAR ALIAGE-90VILL- LONGJUP PADUMANIDIST- NAGAON
ASSAM

35: MAIN UDDIN
S/O- ABDUL MATINAGE- 65VILL- JURIPAR
BARAPANIDIST- NAGAON
ASSAM

36: ASKAR ALI
S/O- ABDUL REJAKAGE- 43VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

37: ABED ALI
S/O- ASMAT ALIAGE- 75VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

38: NUR JAMAL
S/O- JABED ALIAGE- 80VILL- 9 NO. KHERANI
DAPARADIST- NAGAON
ASSAM

39: KAMAL UDDIN
S/O- SUKUR ALIAGE-55VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

40: SIRAJUL ISLAM
S/O- JABAR ALIAGE-60VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

41: HUSSEN ALI
S/O- MANE HUSSENAGE-40VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

42: ABDUL KALAM
S/O- AMIR UDDINAGE- 47VILL- JURIRPAR BARAPANIDIST- NAGAON

ASSAM

43: SIDDIQUE ALI
S/O- LT UMED ALIAGE- 42VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

44: ABDUL KARIM
S/O- ABDUL CHAMIDAGE- 61VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

45: AKAT ALI
S/O- MAMUD ALIAGE- 61VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

46: USMAN ALI
S/O- ABDUL ALIAGE- 57VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

47: SAHAMMAD ALI
S/O- LT ABED ALIAGE- 60VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

48: NUR JAMAL
S/O- UBED ALIAGE- 60VILL- LONGJUP PADUMANI HATIPARA FVDIST-
NAGAON
ASSAM

49: SUKUR ALI
S/O- AHED ALIAGE- 62VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

50: SAFIQL ISLAM
S/O- ALI AKBARAGE- 45VILL- KANDAPARA
KACHUA NO 1DIST- NAGAON
ASSAM

51: ABDUL MATIN
S/O- AIN UDDINAGE- 51VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

52: HAMED ALI

S/O-AMJAT ALIAGE- 60VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

53: ISMAHIL ALI
S/O- ABDUL GANIAGE- 55VILL- 9 NO. KHERANI
DAPARADIST- NAGAON
ASSAM

54: MARFAT ALI
S/O- SURJAT ALIAGE-58VILL- PADUM PUKHURI
DAPARADIST- NAGAON
ASSAM

55: ABDUL RASID
S/O- SABED ALIAGE- 30VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

56: AIN UDDIN
S/O- LT MOIJ UDDINAGE- 63VILL- LUTUMARI MUKTA FOREST
DAPARADIST- NAGAON
ASSAM

57: ABDUL MAJID
S/O-HASSEN ALIAGE-50VILL- 9 NO. KHERANI
DAPARADIST- NAGAON
ASSAM

58: ANUWAR HUSSAIN
S/O- ALI HUSSENAGE- 47VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

59: GULJAR HUSSAIN
S/O- MUSLEM UDDINAGE- 35VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

60: SIKANDAR ALI
S/O- ABDUL KUDDUSAGE- 53VILL- LUTUMARI MUKTABANACHAL
DAPARADIST- NAGAON
ASSAM

61: MUSAHAK ALI
S/O- KHALILUR RAHMANAGE-48VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

62: SAHED ALI
S/O-KHURSHED ALIAGE-43VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

63: ABUL KALAM
S/O- MUKLESAR RAHMANAGE-64VILL- KHERONI MAJ GAON
DAPARADIST- NAGAON
ASSAM

64: AJIJUR RAHMAN
S/O- SULTAN MUNSI ALIAGE- 31VILL- LUTUMARI MUKTABANACHAL
DAPARADIST- NAGAON
ASSAM

65: CHAMUJ ALI
S/O- INSAN ALIAGE- 71VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

66: MAFIJ UDDIN
S/O- KUDDUS ALIAGE- 75VILL- NO.3 RAJAPUKHURIDIST- NAGAON
ASSAM

67: MOFIJUL ISLAM
S/O- LT SAHED ALIAGE- 28VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

68: SAHAB UDDIN
S/O- RAMJAN ALIAGE-55VILL- DAPARA
LUTUMARI AMDUBI FVDIST- NAGAON
ASSAM

69: MASTUFA KAMAL
S/O-MAHAR ALIAGE- 64VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

70: KHAIRUL ISLAM
S/O- AMJOT ALIAGE- 40VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

71: ABDUL KARIM
S/O- NIJAM UDDINAGE- 61VILL- HAJ GAON
BARPANI BAGANDIST- NAGAON

ASSAM

72: CHABIKUL ISLAM
S/O- SUKUR ALIAGE- 45VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

73: KAMAL UDDIN
S/O- LT AIN UDDINAGE- 62VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

74: ALI HUSSEN
S/O- SAHAB UDDINAGE- 61VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

75: ABDUL AUAWAL
S/O- IBRAHIM ALIAGE- 75VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

76: HARJAT ALI
S/O- KASEM ALIAGE-50VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

77: GULJAR HUSSAIN
S/O- AKKAS ALIAGE- 40VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

78: RABIYA KHATUN
S/O- LT ASAR ALIAGE- 52VILL- MADHAPARA
KACHUADIST- NAGAON
ASSAM

79: JAKIR HUSSAIN
S/O- SAMSUL HUDAAGE-52VILL- KHERONI MAJGAON
DUMAIHAGI
DAPARADIST- NAGAON
ASSAM

80: ABUL HUSSAIN
S/O- BABAR ALIAGE- 56VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

81: BODIUD JAMAL
S/O- YASIN ALIAGE- 72VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

82: ABDUL MALEK
S/O- SALAMAT KHANAGE- 53VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

83: SAFIR UDDIN
S/O- HUSSAN ALIAGE- 33VILL- MAJGAON
DAPARADIST- NAGAON
ASSAM

84: AFAJ UDDIN
S/O- AGAN ALIAGE- 59VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

85: MASTUFA KAMAL
S/O- RUSTUM ALIAGE- 50VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

86: AIJUL ISLAM
S/O- JABAN ALIAGE- 35VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

87: SAHID ULLAH
S/O- EIJAT ALIAGE- 33VILL- 9 NO KHERONI
DAPARADIST- NAGAON
ASSAM

88: ABDUL REJEK
S/O- MINAT ALIAGE- 85VILL- KANDAPARA
KACHUA NO 1DIST- NAGAON
ASSAM

89: ABDUL KUDDACH
S/O- MAHABBT ALIAGE- 65VILL- KANDAPARA
KACHUA NO 1DIST- NAGAON
ASSAM

90: FAJLUR RAHMAN
S/O- LT. SALAMAT KHANAGE- 55VILL- KATHIATOLIDIST- NAGAON
ASSAM

91: TAYAB ALI
S/O- LT SUMSUI TARBIZAGE- 67VILL- KANDAPARA
KACHUA NO 1DIST- NAGAON
ASSAM

92: ABDUL MANNAN
S/O- HASMAT ALIAGE- 60VILL- LONGJAP CHANKHULLA
KACHUA NO 1DIST- NAGAON
ASSAM

93: UBADULLA
S/O- MOZIBUR SHEKHAGE- 24VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

94: HABIKUL ISLAM
S/O- JALAL UDDINAGE- 52VILL- HNO 84
BARJARANIDIST- NAGAON
ASSAM

95: NAYAB ALI
S/O- SUMSUL TARBIZAGE-52VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

96: TAYAB ALI
S/O- LT. SUMSUL TARBIZAGE- 67VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

97: AYUB ALI AHMED
S/O- SUMSUL TARBIZAGE- 66VILL- KACHUA NO. 1
KACHUA DIST- NAGAON
ASSAM

98: HABIBUR RAHMAN
S/O- AYAT ALIAGE- 70VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

99: IDRIS ALI
S/O- MAIRAT ALIAGE- 26VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

100: HASEN ALI
S/O-SAFAR ALIAGE- 55VILL- KACHUA NO. 1

KACHUADIST- NAGAON
ASSAM

101: ABDUL SALAM
S/O- ABDUL SATTARAGE- 52VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

102: SHIRAJUL ISLAM
S/O- LT. ABU SAYEDAGE- 60VILL- KACHUA NO.1
KACHUA DIST- NAGAON
ASSAM

103: NURUL ISLAM
S/O- JAYNAL ABDINAGE- 70VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

104: ISA MUDDIN
S/O- ABDUL HALIMAGE- 30VILL- KANDAPARA
KACHUA NO. 1DIST- NAGAON
ASSAM

105: MOIJUL ISLAM
S/O- ABDUL LATIF KHAAGE- 40VILL- KANDAPARA
KACHUA NO. 1 DIST- NAGAON
ASSAM

106: ABDUL MALEK
S/O- LT. UMED ALIAGE- 55VILL- RANGULU BASTI
KACHUA NO. 1DIST- NAGAON
ASSAM

107: MANJUL HAQUE
S/O- MAFIZ UDDINAGE-28VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

108: EMADADULLAH
S/O- ALI NAWAJAGE- 57VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

109: AMIN AHAMMAD
S/O- ROHIM UDDINAGE-38VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

110: SAFIYA KHATUN
S/O- MAJIBUR RAHMANAGE- 67VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

111: HABIBUR RAHMAN
S/O- AAJAT ALIAGE- 70VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

112: ALIMAN NESSA
S/O- MAFIZ UDDINAGE-31VILL-CHANKHULA
KACHUADIST- NAGAON
ASSAM

113: SAHAJ UDDIN
S/O- ARKKEL ALIAGE- 75VILL- CHANKHULA
KACHUA NO.1DIST- NAGAON
ASSAM

114: RASHIDUL ISLAM
S/O- KHAJAN ALI
VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

115: AMINUL HAQUE
S/O- MAINUL HAQUEAGE- 32VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

116: ABDUL MATALIB
S/O- HAPHIZ UADDINAGE- 49VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

117: HAJRAT ALI
S/O- CHAMCHU UDDINAGE- 75VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

118: AJIJUL HAQUE
S/O- ABDUL JABBARAGE- 45VILL- KACHUA NO. 1
KACHUADIST- NAGAON
ASSAM

119: SELIM UDDIN
S/O- AKKEL ALIAGE- 70VILL- CHANKHULA

KACHUADIST- NAGAON
ASSAM

120: NUR MAHAMMAD
S/O- RAMJAN ALIAGE- 46VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

121: ROCHMAT ALI
S/O-EAKIN ALIAGE- 60VILL- CHANAKHOLA
KACHUA NO. 1DIST- NAGAON
ASSAM

122: JAMAL UDDIN
S/O- ABDUL RAHMANAGE-60VILL- CHANAKHOLA
KACHUA NO. 1DIST- NAGAON
ASSAM

123: MAINUL HAQUE
S/O- FOIZ UDDINAGE- 51VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

124: ABDUL MATIN
S/O-BARAKAT ALIAGE- 59VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

125: JALAL UDDIN
S/O- SAFIR UDDINAGE-77VILL- CHANAKHOLA
KACHUA NO. 1DIST- NAGAON
ASSAM

126: ABUL KALAM
S/O- ABBAS ALIAGE- 62VILL- CHANKHULA
KACHUADIST- NAGAON
ASSAM

127: MAKBUL HUSSAIN
S/O- NEMAT ALIAGE- 63VILL- CHANKHOLA
KACHUA NO. 1DIST- NAGAON
ASSAM

128: SHAHIN SHAH
S/O- MAFIZ UDDINAGE- 50VILL- CHANKHOLA
KACHUA NO. 1DIST- NAGAON
ASSAM

129: MAFIZ ULLAH
S/O- SANU ULLAAGE- 70VILL- 9 NO. KHERONIDIST- NAGAON
ASSAM

130: JANGSED ALI
S/O- ABDUL MATALIBAGE- 39VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

131: SAFIQUL ISLAM
S/O- SAFIR UDDINAGE- 52VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

132: MAHAMMAD ALI
S/O- GAFUR ALIAGE- 40VILL- 9 NO. KHERONI
DAPARADIST- NAGAON
ASSAM

133: FAKAR UDDIN
S/O- ARFAN ALI
VILL- 9 NO. KHERONI
DAPARA
DIST- NAGAON
ASSAM
VERSUS

THE UNION OF INDIA AND 9 ORS
TO BE REPRESENTED BY THE MINISTRY OF ENVIRONMENT FOREST AND
CLIMATE CHANGE
INDIA
PARYAVARAN BHAWAN
JORBAGH ROAD
NEW DELHI
INDIA

2:THE STATE OF ASSAM

TO BE REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM
JANATA BHAWAN ASSAM SECRETARIAT COMPLEX
DISPUR
GUWAHATI- 781006

3:SPECIAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT
JANATA BHAWAN ASSAM SECRETARIAT COMPLEX
DISPUR

GUWAHATI- 781006

4:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN
ASSAM SECRETARIAT COMPLEX
DISPUR
GUWAHATI- 781006.

5:PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST
FORCE AND WILDLIFE
O/O THE PCCF HOFF
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI- 781037

6:DIVISIONAL FOREST OFFICER
NAGAON DIVISION
NAGAON
ASSAM.

7:DISTRICT COMMISSIONER
NAGAON
ASSAM

8:SUPERINTENDENT OF POLICE
NAGAON
ASSAM

9:CIRCLE OFFICER
KAMPUR REVENUE CIRCLE
NAGAON
ASSAM.

10:OFFICER-IN-CHARGE
KACHUA POLICE STATION
NAGAON
ASSAM.

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. A. R. Bhuyan, Advocate
For the Respondent(s) : Mr. M. R. Adhikari, CGC
: Mr. D. Gogoi, Standing Counsel
: Ms. P. R. Mahanta, Standing Counsel
: Mr. S. S. Roy, Government Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **12.02.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the Petitioners and Mr. M. R. Adhikari, the learned CGC appearing on behalf of the Respondent No.1. I have also heard Mr. D. Gogoi, the learned Standing counsel appearing on behalf of the Respondent Nos. 2, 3, 5 and 6; Ms. P. R. Mahanta, the learned Standing counsel appearing on behalf of the Respondent No.4; Mr. S. S. Roy, the learned Standing counsel appearing on behalf of the Respondent Nos. 7 to 10.

2. One hundred thirty-three (133) writ Petitioners joined together

to file the instant writ petition challenging the notice dated 08.12.2025 issued by the Respondent Authorities and further seeking that the Respondent Authorities be restrained from disturbing the peaceful possession of the Petitioners and carrying out any demolition or eviction in respect to their houses and residential plots at Dumaihagi Dapara Villages, Chankhola and Kandapara Villages and Longjup Padumoni (Hatipara Forest Village) Villages under Lutumai Reserved Forest in Nagaon District.

3. The Petitioners have also sought for directions that the Respondents should provide benefits to the Petitioners under the National Food Security Act, 2013; Right to Education Act, 2009 and the Assam Panchayat Act, 1995 and all other necessary benefits.

4. This Court enquired with Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the Petitioners in respect to the prayer pertaining to seeking directions in respect to National Food Security Act, 2013; Right to Education Act, 2009 and the Assam Panchayat Act, 1995 and he submitted that the Petitioners would be well advised not to insist the said prayer in the present proceedings and if there is any violation to the provisions of the said Acts, the Petitioners be granted the liberty to agitate the same by way of separate writ petition. The prayer being reasonable,

liberty is granted to the Petitioners to agitate their grievances in respect to the infraction of the provisions of the aforesaid by way of separate writ petition(s).

5. In the backdrop of the above, this Court therefore takes up the instant writ petition only on the question pertaining to the challenge to the notice dated 08.12.2025 issued by the Respondent Authorities as well as the eviction which is sought to be carried out by the Respondent Authorities on the basis of the impugned notice dated 08.12.2025.

6. The case of the Petitioners herein are that they have been residing in the villages of Dumaihagi Dapara Villages, Chankhola and Kandapara Villages and Longjup Padumoni (Hatipara Forest Village) Villages under Lutumai Reserved Forest in Nagaon District for many years. It is claimed by the Petitioners that the original pattadars through lawful and valid means have granted the Petitioners permission to reside upon the said lands and cultivate the lands.

7. On 08.12.2025, notices were issued by the Divisional Forest Officer, Nagaon Forest Division to the various Petitioners. The Petitioners apprehended that on the basis of the said notice dated

08.12.2025, the Petitioners would be evicted and as such, the Petitioners have approached this Court.

8. This Court has heard the learned counsel appearing on behalf of the parties including the counsel who appears on behalf of the Forest Department.

9. Mr. D. Gogoi, the learned Standing counsel appearing on behalf of the Forest Department submitted that the said notices were issued in pursuance to the directions passed by the learned Division Bench of this Court in the Judgment dated 18.08.2025 passed in Writ Appeal No.251/2025 and Writ Appeal No.252/2025. He further submitted that against the said judgment passed by the learned Division Bench of this Court dated 18.08.2025, Special Leave to Appeals were filed before the Supreme Court and vide a judgment dated 10.02.2026, the Supreme Court disposed of those appeals by issuing certain directions. The learned Standing counsel further submitted that in view of the said observations and directions made by the Supreme Court, the Forest Department now would take steps in accordance with the said directions passed.

10. This Court enquired with Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the Petitioners as to whether the lands in

question wherein the Petitioners are residing fall within the reserved forest. The learned counsel for the Petitioners submitted that the lands under their occupation no doubt are reserved forest land but they were issued settlement certificates for temporary settlement under the Tonguya/Tangiya system in the year 1974.

11. This Court has duly perused the judgment of the Supreme Court in the case of ***Abdul Khalek and Others Vs. The State of Assam and Others*** dated 10.02.2026. A perusal of the said judgment reveals that while those appeals were pending before the Supreme Court, an additional affidavit was filed on 18.01.2026 by the State of Assam, the contents of which were reproduced in the said judgment. The Supreme Court at paragraph No.12 of the said judgment delineated the policy decision of the State of Assam to remove unauthorized occupation from the reserve forest. In addition to that, the Supreme Court also observed at Paragraph No.13 that on behalf of the State of Assam, the learned Solicitor General has assured that the mechanism evolved by the State shall be complied with objectively and with fairness while taking action for removal of unauthorized occupation in the reserved forest.

12. Taking into account the said, this Court finds it relevant to reproduce paragraph Nos. 12 and 13 of the said judgment in the

case of ***Abdul Khalek and Others (supra)***.

“**12.** *Thus, from perusal of aforesaid additional affidavit filed on behalf of the respondents, the following policy decision to remove unauthorised occupation from the reserved forest has been taken:*

- (i) The respondents shall constitute a committee comprising forest officials and the revenue officials.*
- (ii) The said committee shall issue notice to the alleged unauthorised occupants and shall give them an opportunity to adduce evidence to show that they have the right to occupy the land which is in their possession.*
- (iii) The action for removal of encroachment shall be taken, only if it is found that there is an encroachment in the reserved forest area.*
- (iv) In case the noticee is found to be within the revenue limits, outside the notified forest area, the details of the noticee shall be sent to the revenue department. In such cases, revenue department shall decide the future course of action.*
- (v) The action is being taken by the State to remove encroachment from the reserved forest areas and has nothing to do in respect of the matters which may be referred to the revenue*

department.

(vi) If an unauthorised occupation is found in a reserved forest area, after scrutiny of the documents, a speaking order shall be passed and shall be served on the concerned person giving him 15 days notice to vacate the unauthorized occupation and only after expiry of the period of notice, the action shall be taken to remove the unauthorised occupants.

(vii) Occupation of a Gaon Panchayat in a forest is permissible if there is a sufficient proof as per the Jamabandi Register maintained by the Forest Department or as provided under the Forest Rights Act.

13. *In our opinion, the course of action to be adopted by the State Government while removing the encroachment from the reserved forest contains sufficient procedural safeguards. The process sought to be adopted by the State Government for removal of encroachment conforms to the principles of fairness, reasonableness and due process. Learned Solicitor General has assured us that the mechanism evolved by the State shall be complied with objectively and with fairness while taking action for removal of unauthorised occupation in the reserved forests. The parties are directed to maintain status quo in respect of land in occupation of the appellants/writ petitioners till speaking order is passed and till expiry of notice period of 15 days. All contentions are kept open to be agitated before the committee. It is*

clarified that this Court has not expressed any opinion on merits of the claim of the parties, as the same has to be examined by the committee."

13. In view of the observations made by the Supreme Court at Paragraph Nos. 12 and 13, it is the opinion of this Court that the instant writ petition can be disposed of in the similar manner thereby directing the Respondent Authorities to carry out the required procedure and steps in terms with the directions passed by the Supreme Court at Paragraph Nos. 12 and 13 in the case of ***Abdul Khalek and Others (supra)*** as quoted herein above.

14. Accordingly, the instant writ petition therefore stands disposed of with directions upon the Respondent Authorities more particularly the Forest Department, Revenue Department, District Administration as well as the Police Authorities who are parties to the instant proceedings to comply as per the directions passed by the Supreme Court at Paragraph Nos. 12 and 13 in the case of ***Abdul Khalek and Others (supra)***.

15. Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the Petitioners submitted that some form of interim directions may be given.

16. At Paragraph No.13 of the judgment of the Supreme Court in the case of ***Abdul Khalek and Others (supra)***, the Supreme Court has categorically mentioned that the parties were directed to maintain *status quo* in respect of land in occupation till Speaking Orders are passed. The Petitioners therefore are also entitled to similar directions to the extent that the parties herein shall maintain *status quo* in respect to the land in occupation of the Petitioners till the directions in terms with Paragraph No.12 of the judgment passed by the Supreme Court in the case of ***Abdul Khalek and Others (supra)*** are not complied with.

17. This Court has not decided on the merits of the inter-se dispute while passing the instant judgment which shall be decided by the Committee to be constituted as per the judgment of the Supreme Court.

18. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant