

GAHC010005922026



2026:GAU-AS:2040

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

**Case No. : WP(C)/223/2026**

MAHAMMAD ALI AND 61 ORS  
S/O- KUDDUS ALI.AGE- 36.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON, ASSAM.

2: ABDUL KARIM  
S/O- ABDUL SATTAR.AGE- 47.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

3: ABDUL JABBAR  
S/O- ABDUL BAREK.AGE- 40.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

4: SAIDUR HAQUE  
S/O- ROCHMAT ALI.AGE- 47.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

5: SAHAB UDDIN  
S/O- IDRISH ALI.AGE- 50.VILL- JURIRPAR  
BARPANI DIST- NAGAON  
ASSAM

6: AKBAR ALI  
S/O- INNAS ALI.AGE- 40.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

7: AFAJ UDDIN  
S/O- IDRISH ALI.AGE- 48.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

8: SAMSUL HAQUE  
S/O- ABDUL CHAMED ALI.AGE- 43.VILL- LONGJUP PADUMONI HATIPARA  
FV DIST- NAGAON  
ASSAM

9: KERAMAT ALI  
S/O- KUDDUS ALI.AGE- 30.VILL- LONGJUP PADUMONIDIST- NAGAON  
ASSAM

10: RAFIKUL ISLAM  
S/O- MAHAMMAD ALAM.AGE- 50.VILL- LONGJUP PADUMONI HATIPARA  
FV DIST- NAGAON  
ASSAM

11: AMIR HAMAJA  
S/O- ABDUL HUSEN.AGE- 32.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

12: HUSSAIN ALI  
S/O- MANNAS ALI.AGE- 50.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

13: NEKBAR ALI  
S/O- INNAS ALI.AGE- 37.VILL- LONGJUP PADUMONI DIST- NAGAON  
ASSAM

14: NUR MAHAMMAD  
S/O- AIN UDDIN.AGE- 39.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

15: HABIBUR RAHMAN  
S/O- MAHAMAD SHAJAHAN.AGE- 39.VILL- LONGJUP PADUMONI  
HATIPARA FV DIST- NAGAON  
ASSAM

16: AFIYA KHATUN  
C/O- AMJED ALI.AGE- 61.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

17: ABDUL CHAMED ALI  
S/O- ROCHMAT ALI.AGE- 65.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

- 18: ABADAT ALI  
S/O- KUDDUS ALI.AGE- 33.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM
- 19: CHADDAM ALIAS SADDAM HUSSAIN  
S/O- AMJED ALI.AGE- 33.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM
- 20: ABDUL REZAK  
S/O- IBRAHIM ALI.AGE- 55.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM
- 21: RUFUL AMIN  
S/O- ALAM SHEIK.AGE- 33.VILL- LONGJUP JARONIDIST- NAGAON  
ASSAM
- 22: HASEN ALI  
S/O- RASTAM ALI.AGE- 31.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM
- 23: ABDUL RAHIM  
S/O- ABDUL KHALEK.AGE- 39.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM
- 24: SARAFAT ALI  
S/O- KUDDUS ALI.AGE- 29.VILL- LONGJUP PADUMONI DIST- NAGAON  
ASSAM
- 25: ABDUL KADIR  
S/O- HASSEN ALI.AGE- 55.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM
- 26: SAHIDUL ISLAM  
S/O- KAMAL UDDIN.AGE- 27.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM
- 27: ASHADUL ALIAS ACHADUL ISLAM  
S/O- NUR ALIAS NURUL ISLAM.AGE- 37.VILL- LONGJUP PADUMONI  
HATIPARA FV DIST- NAGAON  
ASSAM

28: HUSSAIN ALI  
S/O- IUCHUP ALI.AGE- 55.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

29: NURUL AMIN  
/O- JULMAT ALI.AGE- 45.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

30: NUR MUHAMMAD  
S/O- SAIDUR RAHMAN.AGE- 28.VILL- LONGJUP PADUMONI DIST-  
NAGAON  
ASSAM

31: ABDUL MAJID  
S/O- AMSAR ALI.AGE- 70.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

32: RAHAM ALI  
S/O- SHEIKH MAMUD.AGE- 60.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

33: SHAHIDUL ISLAM  
S/O- ABDUL JALIL.AGE- 45.VILL- JURIR PAR BARPANI DIST- NAGAON  
ASSAM

34: SAIFUL ISLAM  
S/O- ABDUL JALIL.AGE- 27.VILL- LONGJUP JERONIDIST- NAGAON  
ASSAM

35: HABIBUR RAHMAN  
S/O- AMIR UDDIN.AGE- 50.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

36: DULAL UDDIN  
S/O- TAHER ALI.AGE- 33.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

37: SAFIQL ISLAM  
S/O- ABDUL JALIL.AGE- 30.VILL- BORPANI DIST- NAGAON  
ASSAM

38: INAMUL ISLAM

S/O- AFTAR UDDIN.AGE- 33.VILL- LONGJUP JARONIDIST- NAGAON  
ASSAM

39: SADDAM HUSSAIN  
S/O- ABDUL JALIL.AGE- 26.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

40: SAMSUL HAQUE  
S/O- ABDUL KADIR.AGE- 42.VILL- JURIRPAR DIST- NAGAON  
ASSAM

41: ALAL UDDIN  
S/O- MAHAMMAD JOYNAL ABEDIN.AGE- 39.VILL- LONGJUP PADUMONI  
DIST- NAGAON  
ASSAM

42: SAFIQUALIAS SABIKUL ISLAM  
S/O- MAHAMMAD JOYNAL ABDIN ALIAS JAYNAL ABDIN.AGE- 28.VILL-  
LONGJUP PADUMONI DIST- NAGAON  
ASSAM

43: FAKAR UDDIN  
S/O- LATE ABDUL KADIR.AGE- 50.VILL- LONGJUP PADUMONI HATIPARA  
FV DIST- NAGAON  
ASSAM

44: HALIM UDDIN  
S/O- NUR UDDIN.AGE- 45.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

45: MUKHSIDA KHATUN  
W/O- MAHAMAD SHAJAHAN .AGE- 50.VILL- LONGJUP PADUMONI  
HATIPARA FV DIST- NAGAON  
ASSAM

46: UMAR ALI  
S/O- AIN UDDIN.AGE- 30.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

47: ABDUL MAJID  
S/O- AMSAR ALI.AGE- 70.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

48: ALAL UDDIN

S/O- MANIR UDDIN.AGE- 68.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

49: ABDUL KARIM  
S/O- SHEIKH MAMUD.AGE- 67.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

50: ABDUL MATALEB  
S/O- MD ALIAS MAHAMAH RASUMADDIN.AGE- 65.VILL- LONGJUP  
PADUMONI HATIPARA FV DIST- NAGAON  
ASSAM

51: ABDUL MATIN  
S/O- MAHAMMAD RASUMADDIN.AGE- 20.VILL- LONGJUP PADUMONI  
HATIPARA FV DIST- NAGAON  
ASSAM

52: TAHER UDDIN  
S/O- ABDUL AJID.AGE- 38.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

53: ASHIK AHMED  
S/O- ABDUL AJID.AGE- 45.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

54: KHUSHED AHMED  
S/O- ABDUL AJID.AGE- 40.VILL- LONGJUP PADUMONI HATIPARA FV DIST-  
NAGAON  
ASSAM

55: SAFIR UDDIN  
S/O- LATE ABDUL AJID.AGE- 31.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

56: IMAM UDDIN  
S/O- ABDUL AJID.AGE- 29.VILL- JURIRPARDIST- NAGAON  
ASSAM

57: ALAL UDDIN  
S/O- ACH MAT ALI.AGE- 50.VILL- JURIRPAR BARAPANI DIST- NAGAON  
ASSAM

58: ABDUL SATTAR

S/O- MALE HUSSAIN.AGE- 50.VILL- LONGJUP PADUMONI DIST- NAGAON  
ASSAM

59: HABIBUR RAHMAN  
S/O- ABDUL SATTAR.AGE- 40.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSAM

60: ABU HANIFA  
S/O- HUSSAIN ALI.AGE- 32.VILL- LONGJUP JARONIDIST- NAGAON  
ASSAM

61: AHMED ALI  
S/O- KUDDUS ALI.AGE- 33.VILL- LONGJUP PADUMONIDIST- NAGAON  
ASSAM

62: HOBIBUR RAHMAN  
S/O- ABDUL SATTAR.AGE- 45.VILL- LONGJUP PADUMONI HATIPARA FV  
DIST- NAGAON  
ASSA

VERSUS

UNION OF INDIA AND 9 ORS  
TO BE REPRESENTED BY THE MINISTRY OF ENVIRONMENT FOREST AND  
CLIMATE CHANGE, INDIRA 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 FORESTS DEPARTMENT  
JANATA BHAWAN ASSAM SECRETARIAT COMPLEX  
DISPUR  
GUWAHATI- 781006

4:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM  
REVENUE 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  
ASSA

## **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. Sixty-two (62) 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 Longjup Padumoni, Longjup Padumoni (Hatipara Forest Village), Longjup Jaroni and Barpani Bagan, 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 Longjup Padumoni, Longjup Padumoni (Hatipara Forest Village), Longjup Jaroni and Barpani Bagan, 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**