

GAHC010214422025



2026:GAU-AS:10102

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

Case No. : WP(C)/5138/2025

SUDHIR PAUL
S/O- LATE KALI MOHAN PAUL
R/O- BILASIPARA
WARD NO. 4
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY-06.

3:THE DISTRICT COMMISSIONER CUM DISTRICT COLLECTOR

DHUBRI
ASSAM

4:THE CO-DISTRICT COMMISSIONER CUM CHAIRMAN OF CO-DISTRICT
LAND ADVISORY COMMITTEE
BILASIPARA
P.O. AND P.S. BILASIPARA
DIST. DHUBRI

ASSAM
PIN- 783348.

5:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE
P.O. AND P.S. CHAPAR
PIN- 783371.

6:MANIK ALI
S/O- ROHIM BOXO SK
R/O- VILL.- CHIRAKUTA PART-I
P.O. CHIRAKUTA
P.S. CHAPAR
DIST. DHUBRI
ASSAM
PIN- 783348.

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. A. Alim Sk., Advocate

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

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **22.07.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : Yes
- Whether the full Judgment has been Pronounced : N/A

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Alim Sk. the learned counsel appearing on behalf of the Petitioner and Mr. N. Das, the learned Government Advocate appearing on behalf of the Respondent Nos. 1, 3, 4 and 5. I have

also heard Ms. G. Hazarika, the learned Standing counsel appearing on behalf of the Respondent No.2. None appears on behalf of the Respondent No.6.

2. The present writ petition has been filed by the Petitioner seeking a direction for setting aside the approval/allotment dated 15.07.2025 and further seeking a direction that 2 Bighas 4 Kathas 0 Lechas of land covered by Dag No.312(new)/Dag No.11(old), Patta No.168(new) at Chirakuta village Part-1 under Chapar Revenue Circle, in the District of Dhubri, Assam should be allotted in favour of the Petitioner.

3. It is the specific case of the Petitioner that the Petitioner has been in possession of a plot of land admeasuring 2 Bighas 3 Kathas covered by Dag No.312(new)/Dag No.11(old), Patta No.168(new) at Chirakuta village Part-1 under Chapar Revenue Circle, in the District of Dhubri, Assam by constructing a dwelling house since the year 2001 by paying the Touzi Mouza.

4. The Petitioner applied for settlement of land in terms with Mission Basundhara-1.0 dated 10.12.2022 which was rejected on 11.08.2023. Subsequent thereto, the Petitioner again applied in terms with Mission Basundhara 3.0 on 06.12.2024 and as on the

date of filing the writ petition, the said application was pending.

5. It is the case of the Petitioner that the Respondent No.6 was granted the settlement over the said land which was under the occupation of the Petitioner and thereupon the said land has been mutated in favour of the Respondent No.6 vide CDLAC dated 15.07.2025.

6. It is the specific case of the Petitioner that the land ought to have been settled in favour of the Petitioner but as the land was settled in favour of the Respondent No.6, the Petitioner submitted a representation on 02.08.2025. The said representation being not considered, the Petitioner has approached this Court by filing the present writ petition.

7. Mr. N. Das, the learned Government Advocate appearing on behalf of the Respondent Nos. 1, 3, 4 and 5 submitted that in the meantime, the Petitioner's application seeking settlement over the land has also been rejected. The learned counsel for the Petitioner has also accepted the said fact.

8. This Court also takes note of Clause 14.3 of the Assam Land Policy, 2019 which categorically stipulates that there is no right of the occupier of the land to get settlement over the land under his

occupation merely because he is in occupation of the Government land.

9. The sole reason for which the Petitioner has assailed the allotment so granted in favour of the Respondent No.6 is on the ground that the Petitioner is in occupation of the land for the last 26 years. Taking into account that no right is vested upon the Petitioner on the basis of mere occupation of Government land, it is the opinion of this Court that the Petitioner has failed to make out any case for interference with the settlement so granted in favour of the Respondent No.6.

10. Accordingly, this Court is not inclined to interfere with the settlement so granted in favour of the Respondent No.6 vide the order dated 15.07.2025 for which the writ petition stands dismissed.

11. Before parting with the records, this Court however observes that the dismissal of the instant writ petition shall not prejudice or preclude the Petitioner to challenge the rejection of the Petitioner's application filed under the Mission Basundhara-3.0, if so advised.

12. The learned counsel for the Petitioner also submitted that on 09.09.2025, the Petitioner was dispossessed in spite of there being

an interim order passed on 03.09.2025. The learned counsel for the Petitioner further submitted that the Petitioner has also filed a contempt case being Contempt Case (C) No.523/2025 alleging willful and deliberate violation to the order dated 03.09.2025.

13. Taking into account that the Petitioner has been bonafidely litigating the present proceedings before this Court and there was an interim order dated 03.09.2025 wherein parties were directed to maintain status quo as on 03.09.2025, the period of limitation for filing a suit under Section 6 of the Specific Relief Act, 1963 which is 6 (six) months, shall be counted by excluding the period from 03.09.2025 till date, if so advised.

14. This Court for the sake of clarity observes that the aforesaid observations made in paragraph No.13 of the instant order should not be construed that this Court had come to a finding that the Petitioner was dispossessed on 09.09.2025. The same has to be proved by the Petitioner before the competent Court of Civil Jurisdiction.

**Bijoy
Saha**

Digitally signed by
Bijoy Saha
Date: 2026.07.24
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JUDGE

Comparing Assistant