

GAHC010137562022



2026:GAU-AS:11730

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

Case No. : WP(C)/4643/2022

HASENA BEWA AND 10 ORS
W/O LT. MAHIRUDDIN SHEIKH
R/O VILL.- BECHIMARI, P.S.- FAKIRAGRAM, DIST.- KOKRAJHAR, BTR,
ASSAM.

2: MOFIDA BEGUM
D/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

3: HAFIZUL SK
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

4: ROFIZUL SK
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

5: ABU BAKKAR SIDDIQUE
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

6: ISHAUDDIN AHMED
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

7: CHAFIKUL HUSSAIN
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

8: AL AMAM SK
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

9: NURUL HOQUE
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

10: HAYET ALI
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM

DIST.- KOKRAJHAR
BTR
ASSAM.

11: SAYET ALI
S/O LT. MAHIRUDDIN SHEIKH

R/O VILL.- BECHIMARI
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMMISSIONER AND SECRETARY, GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE BODOLAND TERRITORIAL REGION
REP. BY ITS PRINCIPAL SECRETARY
BTR
KOKRAJHAR
ASSAM.

3:THE SECRETARY
REVENUE
BTR
KOKRAJHAR
ASSAM.

4:THE DEPUTY COMMISSIONER
BTR
KOKRAJHAR
ASSAM.

5:THE ADD. DEPUTY COMMISSIONER
(REVENUE)
BTR
KOKRAJHAR
ASSAM.

6:THE SETTLEMENT OFFICER
BTR
KOKRAJHAR
ASSAM.

7:THE CIRCLE OFFICER

DOTMA REVENUE CIRCLE
P.O.- DOTMA
BTR
DIST.- KOKRAJHAR
ASSAM.

8:RENU BALA DAS
D/O LT. BANARAM DAS

W/O LT. GOKUL DAS
VILL.- MAGURMARI
P.O. AND P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTR
ASSAM.

9:BASANTI DAS
W/O LT RATAN DAS

D/O LT KARINDRA CHANDRA DAS

P.O. AND P.S.- FAKIRAGRAM
DIST- KOKRAJHAR
BTR
ASSAM

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. M. U. Mahmud, Advocate

For the Respondent(s) : Mr. B. K. Sen, Advocate
: Ms. M. Barman, Jr. GA, Assam
: Ms. B. Bora, SC, BTC

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **17.08.2026**
- 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. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioners and Ms. M. Barman, the learned Junior Government Advocate appearing on behalf of the State Respondents. I have also heard Ms. B. Bora, the learned Standing counsel appearing on behalf of the BTC and Mr. B. K. Sen, the learned counsel appearing on behalf of the Respondent Nos. 8 and 9.

2. The present writ petition has been filed by the Petitioners challenging the notice dated 19.04.2022 whereby the Circle Officer, Dotma Revenue Circle has issued a communication to the Petitioner No.1 and the Respondent Nos. 8 and 9 that the encroachers of Dag No.164 and Dag No.131 of village Magurmari would be evicted in favour of MNP/TB holders (MNP/TB No.5 and MNP/TB No.11) on 27.04.2022.

3. Mr. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioners submitted that their predecessors-in-interest have purchased two plots of land by registered Deeds of Sale which are Annexure-1 and Annexure-2 to the writ petition. Without commenting on the legality or validity of the Deeds of Sale, this Court finds it relevant to observe that the schedule mentioned in

the typed copy Annexure-1 and Annexure-2 shows that the lands in question pertain to Dag No.128 of Khatian No.2 situated at Dihi Fakiragram, Magurmari Seat and Dag No.135 of Myadi Patta No.1 at Revenue Village Magurmari. The reference of these Sale Deeds in the writ petition has however no relevance to the impugned notice dated 19.04.2022 inasmuch as, the impugned notice refers to Dag No.164 and Dag No.131. This Court further takes note of the report which was submitted by the BTC by filing an affidavit on 11.05.2026 wherein it is seen that Dag No.164 is a Government Khas Land admeasuring 1 Bigha 3 Kathas 6 Lechas wherein one Smti. Basanti Das, wife of Ratan Das and the predecessors-in-interest of the Petitioners were in possession to the extent of 1 Bigha and 3 Kathas 6 Lechas respectively.

4. This Court has also taken note of the submission of Mr. B. K. Sen, the learned counsel appearing on behalf of the Respondent Nos. 8 and 9 and submitted that in respect of Dag No.164 and Dag No.165, the Respondents have been granted 1 Bigha each under the MNP Scheme and they are in possession upon being handed over in the year 2022.

5. Taking into account that the Petitioners have not been able to substantiate any material before this Court that they have any conceivable right in respect of Dag No.164 and Dag No.131 of

village Magurmari, it is the opinion of this Court that the Petitioners cannot sustain a challenge to the impugned notice dated 19.04.2022.

6. This Court also takes note of that the Petitioners have also sought from the Respondent Authorities the sketch map/trace map and Jamabandi of the land admeasuring 1 Bighas 3 Kathas 19 Lechas covered by Myadi Patta No.1 of Dag No.135, Khatian No.2 and Dag No.128 of Revenue Village Magurmari and the same have not been provided to the Petitioners.

7. Mr. M. U. Mahmud, the learned counsel submitted that in view of the Deeds of Sale which have been enclosed in Annexure-1 and Annexure-2 to the writ petition, the Petitioners have a right to seek the trace map as well as the Jamabandi of the said lands. It is the opinion of this Court that if the Petitioners apply for the copy of the Jamabandi as well as the sketch map/trace map of the land admeasuring 1 Bighas 3 Kathas 19 Lechas covered by Myadi Patta No.1 of Dag No.135 at Revenue Village Magurmari as well as the land admeasuring 1 Bigha covered by Dag No.128 of Khatian No.2 situated at village Magurmari, Kokrajhar, the Petitioners should be issued the trace map as well as the Jamabandi upon payment of the prescribed fees.

8. Accordingly, the writ petition therefore stands disposed of with the following observations and directions:

(i) This Court is not inclined to interfere with the impugned notice dated 19.04.2022 for the reasons already aforementioned.

(ii) The Respondent Authorities more particularly the Respondent Nos. 5 and 7 upon application made by the Petitioners for the copy of the trace map as well as the Jamabandi of land admeasuring 1 Bigha 3 Kathas 19 Lechas covered by Myadi Patta No.1 of Dag No.135 at Revenue Village Magurmari as well as the land admeasuring 1 Bigha covered by Dag No.128 of Khatian No.2 situated at village Magurmari, Kokrajhar, shall provide the trace map as well as the Jamabandi in respect to the said land upon payment of the prescribed fee.

(iii) The directions at Clause (ii) of the instant paragraph be complied with by the Respondent Nos. 5 and 7 upon submission of the application(s) complete in all respects along with the prescribed fee, within a period of 2 (two) months therefrom.

JUDGE

Comparing Assistant