

GAHC010194392026



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

Case No. : WP(C)/4903/2026

JAHIDUL ISLAM AND 20 ORS
S/O- AKBAR ALI, RESIDENT OF VILLAGE - KHAMARMANIKPUR
(MAGURMARI), P.O.-HARIMURA, P.S.- MORNOI, DIST.-GOALPARA, ASSAM,
PIN 783126.

2: SAH ALAM
S/O- AKBAR ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

3: SAHAB UDDIN
S/O-AKABAR ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

4: JAMSER ALI
S/O-LT. TALEB ALI MUNSHI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

5: RASHIDUL ALI
S/O. ALIMUDDIN SHEIKH

RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

6: SALAM ALI
S/O. LT. SALIM UDDIN
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

7: SURHAB ALI
S/O-LT. KASHEM ALI
RESIDENT OF VILLAGE - KHAMARMANIKPUR (MAGURMARI)
P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783126.

8: ABDUL HAI
S/O. LT. NASHER ALI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

9: JALAL UDDIN
D/O- LT. MAFIJ UDDIN
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

10: SABDER ALI
S/O-LT. MANIK ULLAH
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI

DIST.- GOALPARA
ASSAM
PIN 783123

11: SHUKUR ALI
S/O-SABDER ALI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

12: SHER ALI
S/O-LT. GANI
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

13: JAYNAL ABDIN
S/O- LT. KHALIL
RESIDENT OF VILLAGE TENGABARI
P.O.- LALAGURI
P.S.-MORNOI
DIST.- GOALPARA
ASSAM
PIN 783123

14: IDRIS ALI
S/O- LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

15: AJGAR ALI
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

16: JAYNAL ABDIN
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

17: IBRAHIM ALI
S/O- KALACHAN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

18: HAREJ ALI
S/O- LT. KASHEM
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

19: RAHIM BADSHAH
S/O-LT. HASEN ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

20: SAIFOR ALI
S/O-LT. AKSED ALI
RESIDENT OF VILLAGE BHUJMALA PART-II
P.O.-LALAGURI
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN 783123

21: MANIRUL HOQUE
S/O-LT. SAHJAHAN

RESIDENT OF VILLAGE AND P.O.-HARIMURA
P.S.- MORNOI
DIST.-GOALPARA
ASSAM
PIN -783123

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY, GOVERNMENT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT,DISPUR, GUWAHATI, ASSAM 781006.

2:THE DISTRICT COMMISSIONER
GOALPARA
ASSAM -783121.

3:THE CIRCLE OFFICER
MATIA REVENUE CIRCLE
MATIA
GOALPARA
ASSAM -7813125

For the Petitioner(s) : Mr. S. Borthakur, Sr. Advocate

For the Respondent(s) : Mr. S. S. Roy, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

11.09.2026

Certain instructions have been placed before this Court today by Mr. S. S. Roy, the learned Government Advocate. The said instructions, however, prima facie do not show that there was a case of imminent danger for taking such drastic actions of

demolishing houses on private lands. Rather, it also prima facie appears to be a misuse of the Disaster Management Department Act, 2005.

2. The said instructions, i.e. the enquiry report dated 20.06.2026; order of the District Commissioner dated 23.06.2026 as well as the para-wise comments dated 09.09.2026 are kept on record and marked with the letters X, Y and Z respectively.

3. This Court grant an opportunity to the District Commissioner as well as the Circle Officer to file independent affidavits in the present proceedings.

4. In addition to that, this Court has also taken note of the additional affidavit filed by the Petitioners wherein photographs of the demolition carried out as well as the losses suffered by the Petitioners have been brought on record.

5. A copy of the said additional affidavit has also been served upon the learned Government Advocate.

6. An affidavit in response be also filed to the additional affidavit as this Court would also adjudicate on the question of compensation in the circumstance this Court holds that the action so taken by the Respondents more particularly the District Commissioner as well as the Circle Officer were not authorized by law.

7. List this matter again on 13.10.2026.
8. The interim order passed earlier shall continue till the next date.

JUDGE

Comparing Assistant