GAHC010235692026

2026:GAU-AS:15789

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

Case No. : WP(C)/5872/2026

BELLAL HUSSAIN
S/O- SHARIFULLA SHEIKH, R/O ALOMGANJ PT-VI, P.O ALOMGANJ, DIST DHUBRI, ASSAM PIN 783339.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI, ASSAM- 781006.

2:THE DISTRICT COMMISSIONER
DISTRICT - DHUBRI
ASSAM- 783301.

3:THE ADDITIONAL DISTRICT COMMISSIONER REVENUE
DISTRICT- DHUBRI
ASSAM783301.

4:THE CIRCLE OFFICER
DHUBRI REVENUE CIRCLE
ASSAM- 783301

Advocate for the Petitioner : MR. P K DEKA, MS. N M LONGKENG,MR. R. KARIM,MR. I H LASKAR

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 15.10.2026

1. Heard Mr. PK Deka, learned counsel for the petitioner. Also heard Mr. R Borpujari, learned standing counsel, Revenue Department.

2. The petitioner claims to have been possessing Government Lands (khas land) both in respect of his homestead and agricultural land and the respondent No.3 vide show-cause notice(s) dated 26.08.2026 and 29.08.2026, issued under Rule 18(2) of Assam Land and Revenue Regulation, 1886, asked the petitioner to vacate the same.

3. According to the petitioner, he is entitled for a portion of the land and in the meantime, he has filed his reply to the show-cause notices. However, he apprehends that without passing a speaking order and informing him, the respondent authorities may proceed with the eviction.

4. Per contra, Mr. R Borpujari, learned standing counsel, Revenue Department submits that the State is duty bound to follow the procedure laid down under the Settlement Rules, more particularly under Rule 18, as well as the determination made by the Division Bench in ***Salak Uddin v. State of Assam, 2024 (4) GLT 857***, and therefore, the petitioner should not have any apprehension and due procedure as mandated under the

Settlement Rules as well as the ratio laid down in ***Salak Uddin (supra),*** shall definitely be followed.

5. The petitioner, however, also prays that a personal hearing may be granted to him to produce the original records before the evicting authority.

6. Mr. Borpujari submits that if the petitioner does not delay the process in the name of personal hearing, the authorities will have no objection to that effect.

7. Taking note of the aforesaid, it is also provided that a personal hearing may be granted to the petitioner, and such direction is issued based on the assurance of the learned counsel for the petitioner that he will not unnecessarily delay the process.

8. Accordingly, the petitioner is permitted to file a fresh and detailed representation to the show-cause notice(s) dated 26.08.2026 and 29.08.2026, along with a copy of this order passed today within a period of two weeks and thereafter, the concerned officer shall fix a date for personal hearing of the petitioner and after such hearing, a speaking order be passed by the respondent.

9. With the aforesaid, the writ petition stands disposed of.

JUDGE

Comparing Assistant