

GAHC010074272023



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

Case No. : WP(C)/1989/2023

BISWAJYOTI DAS AND 33 ORS
S/O SRI BIDHAN CH DAS, R/O RABINDRA SARANI, NEAR SARANI
MANDIR, HKD ROAD, SILCHAR, DIST-CACHAR, ASSAM-788005

2: SANJAY DUSAD
S/O LATE RAM LAKSHMAN DUSAD
R/O P.O. AND VILL-PAILA POST
DIST-CACHAR
ASSAM
PIN-788098

3: ANJAN GOALA
S/O HIRANLAL GOALA
R/O DURGAKONA
DIST-CACHAR
ASSAM
PIN-788011

4: DASHARATH PRASAD
S/O LATE RAM BHAJAN PRASAD
R/O HOUSE NO. 3
SARADA SARANI
N.H. WAY
SILCHAR
DIST-CACHAR
ASSAM 788005

5: NIRENDRA NAMOSUDRA
S/O LATE ABHAY NAMOSUDRA
R/O BIPIN PAUL SARANI
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM 788005

6: NAZU AHMED MAZUMDAR
S/O LATE MUKTAR UDDIN MAZUMDER
R/O UTTAR KRISHNAPUR PART-I
SILCHAR
DIST-CACHAR
ASSAM 788005

7: NIRMAL GOALA
S/O LATE RAM MURAT GOALA
R/O VILL-NUTUN BASTI
P.O.-SINGER BOND
P.S.-LAKHIPUR
SILCHAR
DIST-CACHAR
ASSAM-788126

8: BISHNU BANIA
S/O LATE RAM NARAYAN BANIA
R/O DWARBON DAKKIN TILLA
SILCHAR
DIST-CACHAR
ASSAM-788006

9: BIJOYANANDA GOALA
S/O SRI BOLIRAM GOALA
R/O NATIONAL HIGHWAY SILCHAR
DIST-CACHAR
ASSAM-788005

10: GOPAL CH. DEB
S/O LATE KEDAR CH. DEB
R/O SRE DAS LANE
NATIONAL HIGHWAY
SILCHAR
DIST-CACHAR
ASSAM-788006

11: CHANDAN DAS
S/O LATE KUMUD CH. DAS
R/O ASHUTOSH SARANI
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM-788006

12: AMARJIT GOALA
S/O LATE LACHMI PRASAD GOALA

R/O VILLAGE BARIK NAGAR
PART-II
P.O.-SILCOORIE
SILCHAR
DIST-CACHAR
ASSAM-788118

13: PINTU PAUL
S/O LATE SACHINDRA PAUL
R/O VILL-RENGTI BASTI
P.O.-JAIFORPUR
SILCHAR
DIST-CACHAR
ASSAM-788005

14: SUKLA CHOUDHURY
W/O RAJU CHOUDHURY
R/O RANGIRKHARI HAILAKANDI ROAD
NEAR DAS COLONY
SILCHAR
DIST-CACHAR
ASSAM-788005

15: RAMAN BISWAS
S/O LATE KALIPADA BISWAS
R/O PAILAPOOL LOBACPAR
PART-III
SILCHAR
DIST-CACHAR
ASSAM-788098

16: HIROK DEY
S/O LATE NRIPESH CH. DEY
R/O VILL AND P.O.-PAILAPOOL
P.S.-LAKHIPUR
SILCHAR
DIST-CACHAR
ASSAM-788098

17: AJOY KUMAR YADAV
S/O LATE HARI PRASAD YADAV
R/O MODHU TILLA
P.O.-N.I.T.
SILCHAR
DIST-CACHAR
ASSAM
PIN-788010

18: AHMADUL HOQUE LASKAR
S/O LATE FAIZUDDIN LASKAR
R/O VILL-SATKARAKANDI
PART-II
P.O.-SATKARAKANDI
SILCHAR
DIST-CACHAR
ASSAM-788013

19: SUBRATA DAS
S/O LATE SITTANGSHU DAS
R/O RABINDRA SARANI
HOUSE NO. 27
HAILAKANDI ROAD
SILCHAR
DIST-CACHAR
ASSAM-788005

20: BITTU DAS
S/O LATE AKHIL DAS
R/O MAHANAM BRATO SARANI
SILCHAR
DIST-CACHAR
ASSAM-788005

21: GOURANGA GOALA
S/O - GUNESH PRASAD GOALA
AGED ABOUT - 39 YEARS
R/O - DUNGRU BASTI

P.O. - PALONGHAT

SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

22: RAJEN KALWAR
S/O - LATE RUPLAL KALWAR
AGED ABOUT - 34 YEARS
R/O - VILLAGE AND P.O. PAILA POOL
SILCHAR
DISTRICT - CACHAR

ASSAM - 788098

23: BADRUL ALAM MAZUMDER
S/O - LATE RUHUL AMIN MAZUMDAR

AGED ABOUT - 41 YEARS
R/O - UTTAR KRISHNAPUR
PART-I

P.O. UTTAR KRISHNAPUR
SONAI ROAD

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

24: DIPU KUMAR DAS
S/O - LATE GIRINDRA KR. DAS

AGED ABOUT - 43 YEARS
R/O - 1ST LINK ROAD

LANE NO. 14
HOUSE NO. 32

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

25: ANWAR HUSSAIN MAZMDER
S/O - LATE MOINU HAQUE MAZUMDAR
AGED ABOUT - 52 YEARS
R/O - UTTAR KRISHNAPUR
PART-I

P.O. UTTAR KRISHNAPUR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

26: ABDUS SALAM MD. MUZAKHIR MAZUMDAR
S/O - LATE MUDASSIR ALI MAZUMDAR
AGED ABOUT - 51 YEARS

R/O - VILLAGE -UTTARKRISHNAPUR
PT-I
SILCHAR
DISTRICT - CACHAR

ASSAM - 788006

27: BHAJANLAL GOALA
S/O - LATE KISHUN GOALA
AGED ABOUT - 38 YEARS
R/O - VILLAGE - KAPTANPUR
PT-I

P.O. KAPTANPUR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788119

28: HIRONMOY ROY
S/O - LATE PROVHAT CHANDRA ROY
AGED ABOUT - 47 YEARS
R/O - VILLAGE - JAMALPAR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

29: BIJOY LOHAR
S/O - LATE MOHAN LOHAR
AGED ABOUT - 43 YEARS
R/O - SAUTILLA
P.O. DULLABCHERRA
SILCHAR
DISTRICT - KARIMGANJ

ASSAM - 788736

30: DILIP DEB
S/O - LATE DHIRENDRA DEB
AGED ABOUT - 46 YEARS

R/O - KANAKPUR ROAD

PART-II
SHYAMANANDA LANE

LANE NO. 08
HOUSE NO. 16

SILCHAR

DISTRICT - CACHAR

ASSAM - 788005

31: PRATAP SINGH YADAV
S/O - LATE GAYA PRASAD GOALA
AGED ABOUT - 43 YEARS
R/O - VILLAGE - DUGRU BASTI

P.O. - PALONGHAT

SILCHAR
DISTRICT - CACHAR

ASSAM - 788116

32: ROSHMI DEB
W/O -BISHMARUP DEB
AGED ABOUT - 35 YEARS

R/O -RONGPURSANTIPUR

SILCHAR
DISTRICT - CACHAR

ASSAM - 788009

33: MAHUA BHOWMIK
D/O - LATE ARUN KR GUPTA

AGED ABOUT - 50 YEARS
R/O - SOUMITRA BHOWMIK

EAST PADMANAYARBILPAR
SILCHAR
DISTRICT - CACHAR

ASSAM - 78800

34: GAUTAM DEBNATH
S/O - LATE KHAGENDRA DEBNATH
AGED ABOUT - 39 YEARS
R/O - SONAI ROAD
SURAT PALLY

SILCHAR
DISTRICT - CACHAR

ASSAM - 78800

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HOUSING AND URBAN
AFFAIRS, DISPUR, GUWAHATI-06

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR

GUWAHATI-06

3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI -06
REPRESENTED BY ITS MANAGING DIRECTOR

4:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
NEAR GANESH MANDIR
DISPUR
GUWAHATI-06

5:DEPUTY COMMISSIONER
CACHAR
SILCHAR

6:THE DISTRICT DEVELOPMENT COMMISSIONER
CACHAR
SILCHAR

7:SILCHAR MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN
SILCHAR
CACHAR

8:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
BARAK VALLEY DIVISION
SILCHAR-5

9:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT

DISPUR

GUWAHATI-0

Advocate for the Petitioner : MR B D DAS

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/3263/2023

TRAILOKYA KUMAR DAS AND 21 ORS
SON OF DINABANDHU DAS
RESIDENT OF VILLAGE AND PO PATBAUSI
DISTRICT BARPETA
ASSAM.

2: NARESWAR KALITA
SON OF LATE PANCHANAND KALITA
RESIDENT OF VILLAGE PIPLA
PO NITYANANDA
DISTRICT BAJALI
ASSAM.

3: HITESH SARMA
SON OF UMESH SARMA
RESIDENT OF VILLAGE NIZ NAMATI
PO NAMATI
DISTRICT NALBARI
ASSAM.

4: ARUN DAS
SON OF LATE NAGEN DAS
RESIDENT OF VILLAGE WARD NO 2 PUBPAHARTOLI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.

5: SMT. ANIMA TALUKDAR
DAUGHTER OF LATE BANIKANTA TALUKDR
RESIDENT OF VILLAGE WARD NO 8 SEUJPUR
PO BARPETA ROAD
DISTRICT BARPETA
ASSAM.

6: PRANJIT BHAGAWATI
SON OF LATE NARENDRA BHAGAWATI
RESIDENT OF VILLAGE HARIGHAT
PO HELASHA
DISTRICT BARPETA
ASSAM.

7: SUJAL KUMAR DEY
SON OF LATE SUBHASH DEY
RESIDENT OF WARD NO. 8
PO BARPETA ROAD
DISTRICT BARPETA
ASSAM.

8: DINESH CHANDRA DAS
SON OF LATE DASHARATH DAS
RESIDENT OF VILLAGE DAKSHIN REHABARI
PO PUB REHABARI
DISTRICT BAJALI
ASSAM.

9: DHANJIT DAS
SON OF LATE UMESH CHANDRA DAS
RESIDENT OF VILLAGE SHINGRA
PO GARARTARI
DISTRICT BARPETA
ASSAM.

10: PARAMANANDA GAYARI
SON OF LATE AMAR GAYARI
RESIDENT OF VILLAGE BANDHOI SIDHANIGAR
PO BAGHMARA BAZAR
DISTRICT BAJATI
ASSAM.

11: TARANI DAS
SON OF MEGDAR DAS
RESIDENT OF VILLAGE UTTAR GANAKGARI
PO SARBHOG
DISTRICT BARPETA
ASSAM.

12: DIBAKAR DAS
SON OF LAKSHI KANTA DAS
RESIDENT OF VILLAGE AND PO BHULUKAGABA
DISTRICT BARPETA
ASSAM.

13: RANJIT SHARMA
SON OF LATE JAGEDRA SHARMA
RESIDENT OF VILLAGE KHUDRAKATARA
PO CHENGROI
DISTRICT NALBARI
ASSAM.
(1 TO 13 WORKING UNDER BARPETA ROAD WATER SUPPLY SCHEME OF
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD).

14: MD AZIZUL ALI
SON OF LATE AKBAR ALI
RESIDENT OF VILLAGE MANICKPUR
DISTRICT BONGAIGOAN
ASSAM.
(WORKING UNDER JORHAT SUB-DIVISION OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

15: SUBASH SARMAH
SON OF RAJANI SARMAH
RESIDENT OF VILLAGE BAGURIHATE PO NALBARI DISTRICT NALBARI.
(WORKING UNDER DHUBRI SUB-DIVISION OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

16: DANDI RAM DAS
SON OF KRISHNA MOHAN DAS
RESIDENT OF VILLAGE DEOLKUSHI
PO DEOLKUSHI
DISTRICT KAMRUP. ASSAM.
(WORKING UNDER DHUBRI SUB-DIVISION OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

17: MANASH KHAUND
SON OF LATE KASHAB KHAUND
RESIDENT OF VILLAGE SAMORI KHOWA PO BISWANATH CHARIALI
DISTRICT SONITPUR
ASSAM.
(WORKING UNDER GUWAHATI DIVISION -II OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

18: DIGANTA BAISYA
SON OF SARAKAN BAISHYA
RESIDENT OF VILLAGE WARD NO. 1 BANIAPARA
PO MANGALDAI
DISTRICT DARRANG
ASSAM.
(WORKING UNDER GUWAHATI DIVISION-II OF ASSAM URBAN WATER
SUPPLY AND SEWERAGE BOARD)

19: DIPU RABHA
SON OF RABIN RABHA
RESIDENT OF VILLAGE WARD NO. 2 PAHARTULI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.
(WORKING UNDER DHUBRI DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

20: DEBESWAR KALITA
SON OF LATE RAM KRISHNA KALITA
RESIDENT OF VILLAGE WARD NO. 1 RUPJYOI
PO GOALPARA
DISTRICT GOALPARA
ASSAM.
(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

21: MONOJ KUMAR DOLEY
SON OF TORSHING DOLEY
PO KKAJAN TINIALI
PS SILAPATHAR
DISTRICT DHEMAJI
ASSAM.
(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)

22: RAJU PHUKAN
SON OF LATE NAGEN PHUKAN
PO BILLGAON
PS BORPATHAR
DISTRICT GOLAGHAT
ASSAM.
(WORKING UNDER JORHAT DIVISION OF ASSAM URBAN WATER SUPPLY
AND SEWERAGE BOARD)
VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI- 781006.

2: THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR

GUWAHATI- 781006.
3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006
REPRESENTED BY THE MANAGING DIRECTOR.
4:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006.
5:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
NEAR GANESH MANDIR
DISPUR
GUWAHATI 781006
6:THE CHIEF ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005.
7:THE SUPERINTENDING ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005.
8:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI DIVISION
GUWAHATI- 781024.
9:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
DHUBRI DIVISION
DHUBRI
ASSAM.
10:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
BARPETA ROAD DIVISION
BARPETA
ASSAM
11:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
JORHAT DIVISION
JORHAT.

Advocate for : MRS. K DEVI
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 10 ORS

Linked Case : WP(C)/7586/2022

KARAMJIT SINGH AND 56 ORS.
SON OF LATE PRABAN SINGH
RESIDENT OF WARD NO.4
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446

2: PUSPA PATOR
SON OF LATE GAURESWAR PATOR
RESIDENT OF WARD NO.9
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446.

3: BISWAJIT CHAKRABARTY
SON OF LATE BAGALA RANJAN CHAKRABORTY
RESIDENT OF WARD NO.3
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 78244

4: DILIP CHANDA
SON OF LATE RAJENDRA CHANDA
RESIDENT OF WARD NO.2
LANKA TOWN
PO LANKA
DISTRICT HOJAI
ASSAM. PIN 782446

5: VINOD YADAV
SON OF ANANT YADAV
RESIDENT OF KHERONI KACHARI GAON
PO KHERONI
DISTRICT KARBI ANGLONG
ASSAM
PIN 782448

6: RAJIB SINGH
SON OF BISHAN SINGH
RESIDENT OF WARD NO.4
LANKA TOWN
PO LANKA
DISTRICT HOJAI

ASSAM. PIN 782446

7: BHUPEN DEKA
SON OF LATE PROMOD DEKA

VILLAGE - BARNARDDI
P.O. BARNADDI

DISTRICT - NALBARI (ASSAM).
PIN - 781303

8: MRINAL KALITA
SON OF LATE CHANDRADHAR KALITA

VILLAGE -HARIBHANGA

P.O. HARIBHANGA
DISTRICT - NALBARI ASSAM) PIN - 781378

9: BASANTA BARUAH
SON OF ADHIK CH BARUAH

VILLAGE - MAZDIA
P.O. - MUGKUCHI
DISTRICT - NALBARI (ASSAM)PIN - 781334

10: DHIREN DEKA
SON OF SRI KRISHNA RAM DEKA
VILLAGE - CHAMARKUCHI
P.O. - SANEKUCHI

DISTRICT - NALBARI (ASSAM)
PIN - 781350

11: BHARAT CH. BHATTACHARYYA
SON OF
LATE PRATAP CH. BHATTACHARYYA

VILLAGE - PIPALIBARI
P.O. - HARIBHANGA

DISTRICT - NALBARI (ASSAM)
PIN - 781378

12: PARAMESH BARMAN
SON OF LATE HARMOHAN BARMAN
VILLAGE - PHULGURI
P.O. - PANIGAON

DISTRICT - NALBARI (ASSAM)

PIN - 781303

13: RUPDHAN BARMAN
SON OF LATE SANKHESWAR BARMAN
VILLAGE - AMRIKHOWA
P.O. - AMRIKHOWA
DISTRICT - BARPETA (ASSAM) PIN - 781301

14: AKHIL CH KALITA
SON OF LATE GANGA RAM KALITA
VILLAGE - BARBHALUKI
P.O. - BARBHALUKI
DISTRICT - NALBARI (ASSAM) PIN - 781371

15: KALPA NATH TALUKDAR
SON OF LATE CHANDI RAM TALUKDAR
VILLAGE - SATHIKUCHI
P.O. - GOBRADAL
DISTRICT - NALBARI (ASSAM) PIN - 781370

16: MANTU DEV SARMA
SON OF LATE RAJAT CHANDRA DEV SARMA
R/O. AMIYANAGAR
CHANDMARI
GUWAHATI - 3
DISTRICT
KAMRUP (M)
ASSAM PIN - 781003

17: SANATAN CH. TALUKDAR
SON OF LATE CHANDIRAM TALUKDAR
VILLAGE - SATHIKUCHI
P.O. - GOBRADAL
DISTRICT - NALBARI (ASSAM) PIN -

18: HIRANYA BORAH
SON OF TRAILOKYA BORAH
VILLAGE - NAM BAGH MURAH
P.O. - BISWANATH CHARIALI
DISTRICT - BISWANATH (ASSAM) PIN -

19: KHAGESWAR BARMAN
SON OF LATE DAYARAM BARMAN
VILLAGE - GOLIA GRANT
P.O. - PANIBHARAL DISTRICT -BISWANATH (ASSAM)PIN - 784 176

20: JITEN BORAH
SON OF LATE RAJANI BORAH
VILLAGE - PURBA JYOTI KRISTI PAM NIGAM
P.O. - POLICE MANI
DISTRICT - BISWANATH (ASSAM) PIN - 784 178

21: MAKUNDA KALITA
SON OF SRI BHRIGU RAM KALITA
VILLAGE - KOCHDIGA
P.O. - HELANA
DISTRICT - BARPETA (ASSAM) PIN - 781 375

22: SARAT GOGOI
SON OF SRI LAKHI RAM GOGOI
RESIDENT OF VILLAGE - SEN SOWA GAON
P.O. - BILL GAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785602

23: SARAT BARUAH
SON OF SRI GHANA BARUAH
RESIDENT OF VILLAGE - SEN SOWA GAON
P.O. - BILL GAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785602

24: LAKHI RAM SAIKIA
SON OF SRI HEMO KANTA SAIKIA
RESIDENT OF VILLAGE - CHAKARDHARA
P.O. - FORKATING
DISTRICT - GOLAGHAT (ASSAM) PIN - 785610

25: MILON DEKA
SON OF LATE DHIREN DEKA
R/O. VILLAGE - BOKAKHAT MOHMAIKI GAON
P.O. - BOKAKHAT DISTRICT - GOLAGHAT (ASSAM) PIN - 785612

26: JIBAN CHANDRA SARMA
SON OF LATE JOY RAM SARMAH
R/O. VILLAGE - DULIAGAON
MISAMARA GAON
P.O. DERGAON (MISAMARA)
DISTRICT - GOLAGHAT (ASSAM) PIN - 785618

27: JYOTI PRAKASH SARMAH
SON OF LATE PROMOD SARMAH
RESIDENT OF VILLAGE - LATHAGAON
NEAR DERGAON NURSING HOME
P.O. - DISTRICT - GOLAGHAT (ASSAM) PIN - 785614

28: TAPAN BARUAH
SON OF LATE MOHEN BARUAH
RESIDENT OF VILLAGE - DERGAON
HOKIAL GAON
WARD NO. 4
P.O. - DERGAON
DISTRICT - GOLAGHAT (ASSAM) PIN - 785614

29: SARAT KUMAR TAMULY
SON OF LATE GHAN KANTA TAMULY
RESIDENT OF VILLAGE - DHEKIAL
P.O. - DHEKIAL
DISTRICT - GOLAGHAT (ASSAM) PIN - 785622

30: TIKENDRA SARMA
SON OF LATE KESAB SARMA
RESIDENT OF VILLAGE - JANGALBASTI
P.O. - DHEKIAJULI
DISTRICT - SONITPUR (ASSAM) PIN - 784110

31: NITYANANDA BHAGAWATI
SON OF BIREN CH. BHAGAWATI
RESIDENT OF VILLAGE - BAKALIAGHAT
2 NO. UADALI
P.O. - BAKALIAGHAT
DISTRICT - KARBI ANGLONG (ASSAM) PIN -32

32: SATYABRAT RAJBONGSHI
SON OF RESIDENT OF VILLAGE - 3 NO. SUKLAL P.O. - SUKLAL
DISTRICT - UDALGURI (ASSAM) PIN - 784527

33: PRADIP BORAH
SON OF LATE RAJANI BORAH
R/O. VILLAGE - PURBA JYOTI KRISURIDAM
P.O. - DULISUMONI
DISTRICT - BISWANATH (ASSAM) PIN - 784178

34: DIPEN DEURI
SON OF LATE ATUL DEURI
RESIDENT OF VILLAGE - SANTIPUR
P.O. - SANTIPUR
DISTRICT - BISWANATH (ASSAM) PIN - 784178

35: SANJIB BARMAN
SON OF RESIDENT OF VILLAGE - RONA KUCHI
P.O. - DIGHELI
DISTRICT - NALBARI (ASSAM)

36: WAHIDUR RAHMAN
SON OF ALIMUDDIN AHMED
RESIDENT OF VILLAGE - UKHURA
P.O. - BARAMBAI
DISTRICT - KAMRUP (ASSAM) PIN - 781104

37: UTPAL DEKA
SON OF RESIDENT OF VILLAGE - SARTHEBARI
WARD NO. 01
P.O. - SARTHEBARI
DISTRICT - BARPETA (ASSAM) PIN -

38: RANJAN BAISHYA
SON OF RESIDENT OF VILLAGE - BADESHILA
P.O. - HELACHA
DISTRICT - NALBARI (ASSAM) PIN - 781338

39: KAMALA KANTA DAS
SON OF SRI NANDA RAM DAS
RESIDENT OF VILLAGE - NO. 3 SUKLAI P.O. - SUKLAI
DISTRICT - UDALGURI (ASSAM) PIN -

40: TAHER ALI
SON OF MABAB ALI
RESIDENT OF VILLAGE - PATRAPUR
P.O. - KANDUY
DISTRICT - KAMRUP (ASSAM) PIN - 781121

41: SUJIT KUMAR GUPTA
SON OF LATE JAY PRAKASH GUPTA
RESIDENT OF WARD NO. -13
AM. CO. ROAD
BARDALAI PATH
P.O. DHUBRI
DIST DHUBRI (ASSAM) PIN - 1783323

42: ANANDA NATH
SON OF LATE MONMOHAN NATH
RESIDENT OF KHALILPUR
NEAR P.H.E. SUB DIV. DHUBRI
P.O - BIDYAPARA
DISTRICT - DHUBRI
(ASSAM)
PIN - 783324

43: NUR ISLAM
SON OF LATE SOLEMAN SK
RESIDENT OF KACHUAKHAS PT-I

DHARMASALA
DHUBRI
P.O - DHARMASALA
DHUBRI
DISTRICT - DHUBRI
(ASSAM) PIN 783324

44: SUBRATA GHOSH
SON OF LATE KESTO CHANDRA GHOSH
RESIDENT OF WARD NO. 8
NEAR DURGA TEMPLE
P.O - GAURIPUR
DISTRICT - DHUBRI
(ASSAM) PIN 783331

45: AKHAY KALITA
SON OF LATE BHABEN KALITA
VILLAGE BARAMA
DISTRICT BAKSA
(ASSAM)

46: NASHIRUDDIN SK
SON OF LATE SOLEMAN SK.
RESIDENT OF KACHUAKHAS PT-I
P.O. DHARMASALA
DHUBRI
DISTRICT - DHUBRI
(ASSAM) PIN - 783324

47: KRISHNA BARMAN
SON OF LATE. NILKANTA BARMAN
RESIDENT OF VILL-PHULGURI
P.O PANIGAON
DIST NALBARI
(ASSAM) PIN - 781303

48: DHANESWAR NATH
SON OF RAMA KANTA NATH
RESIDENT OF VILLAGE - UPPAR KARKASHI
P.O. DOHELA
DISTRICT GOALPARA
(ASSAM) PIN - 1783125

49: LAKHI KANTA MEDHI
SON OF LATE PARESH CH MEDHI
RESIDENT OF WARD NO. - 02
CHANDARIA 147
GOALPARA

DISTICT - GOALPARA
(ASSAM) PIN - 783101

50: JYOTISH KALITA
SON OF LATE MOHIM KALITA
RESIDENT OF VILL. - BAMUNDI
P.O. BAMUNDI
DISTICT - KAMRUP (ASSAM) PIN - 781103

51: FOYJUDDIN SK
SON OF RAHMAN ALI
RESIDENT OF VILL-DHARMASALA PT-IV
P.O - DHARMASALA
DISTRICT - DHUBRI (ASSAM)PIN - 783324

52: SANKAR GHOSH
SON OF LATE SUSHIL GHOSH
RESIDENT OF WARD NO-14
GHOSH PARA
DHUBRI
P.O. BIDYAPARA
DISTRICT - DHUBRI
(ASSAM) PIN - 783324

53: SUBARNA KUMAR NATH
S/O LATE GIRISH CH. NATH
R/O WARD NO-06 TILAPARA
P.O.-GOALPARA
DIST-GOALPARA (ASSAM)
PIN-783101

54: KRISHNA BARMAN
SON OF LATE JOLODHAR BARMAN
RESIDENT OF VILL SAKOMURA PT-III
P.O.- CHALATAPARA
DISTRICT - BONGAIGAON
(ASSAM) PIN - 783388

55: PRADIP MEDHI
SON OF LATE JAGARNATH MEDHI
RESIDENT OF WARD NO. - 5
TILAPARA
(S.S. ROAD)
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 783101

56: DIPESH RABHA
SON OF LATE SONESWAR RABHA

RESIDENT OF WARD NO. 01
CHANDARIA
NEAR ASSAM CLUB
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 783101

57: NAKIB HUSSAIN
SON OF LATE ALAUDDIN HUSSAIN
RESIDENT OF WARD NO. 04
AMBARI
GOALPARA
P.O. GOALPARA
DISTRICT GOALPARA (ASSAM) PIN - 783101
VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

DEPARTMENT OF HOUSING AND URBAN AFFAIRS

DISPUR
GUWAHATI- 781006.

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
DISPUR

GUWAHATI- 781006

3:THE ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006

REPRESENTED BY THE MANAGING DIRECTOR

4:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
AMRITPUR PATH
GANESHGURI
GUWAHATI-781006

5:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
NEAR GANESH MANDIR
DISPUR
GUWAHATI 781006

6:THE CHIEF ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005

7:THE SUPERINTENDING ENGINEER

ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005

8:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI DIVISION
GUWAHATI- 781024

9:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
DHUBRI DIVISION
DHUBRI

ASSAM
10:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
NORTH ASSAM DIVISION

ASSAM
11:THE EXECUTIVE ENGINEER
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
JORHAT DIVISION
JORHAT

Advocate for : MR. U K NAIR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 10 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 31.07.2023

Heard Mr. B.D. Das, learned senior counsel, assisted by Ms. B.B. Hussain, learned counsel for the petitioners in WP(C) 1989/2023. Also heard Ms. K. Devi, learned counsel for the petitioner in WP(C) 7586/2022 and WP(C) 3263/2023. Also heard Mr. S. Dutta, learned senior counsel, assisted by Ms. S. Musharay, learned standing counsel for the Silchar Municipal Board. Also heard Mr. J.K. Goswami, learned Addl. Senior Govt. advocate appears for Department of Housing and Urban Affairs, Director of Municipal Administration, Deputy Commissioner, Cachar, District Development Commissioner, Cachar as well as Mr.

A. Chaliha, learned standing counsel for the Finance Department as well as Mr. A. Choudhury, learned standing counsel for the Assam Urban Water Supply and Sewerage Board as well as its Executive Engineer.

2. The gist of the submissions made by the learned senior counsel for the petitioner is that order no. ACS/DOHUA/3/2021/36 dated 29.10.2021 by the Addl. Chief Secretary to the Govt. of Assam, Department of Housing and Urban Affairs, addressed to the Deputy Commissioner, Cachar direction was issued for handing over of the Silchar Water Supply Scheme from Assam Urban Water Supply and Sewerage Board to the Municipal Board Silchar along with the Silchar Water Supply Scheme with all men, materials and liabilities.

3. Contradicting the communication dated 29.10.2021, the learned senior counsel for the Silchar Municipal Board has referred to the notification no. UDD(M)11/2016/106 dated 21.06.2021 issued by the Commissioner and Secretary to the Govt. of Assam, Department of Housing and Urban Affairs and it has been submitted that the Assam Urban Water Supply and Sewerage Board was required to partially hand over the running scheme to the Urban Local Boards, who would be bearing the cost of the electricity bill, chemicals and maintenance bill of such scheme from the available fund under 15th Finance Commission Tied Grant and that the Assam Water Supply and Sewerage Board will continue to operate and collect revenue until the scheme are fully handed over to respective Urban Local Boards. Accordingly, it is submitted that there is no clarity as to which authority would be paying the staff who were engaged by the Assam Urban Water Supply and Sewerage Board in connection with Silchar Water Supply Scheme.

4. It appears from the submissions made by the learned senior counsel

for the Silchar Municipal Board as well as the learned senior counsel for the petitioner that the employees engaged for Silchar Water Supply Scheme are either not attending and/ or not being allowed to attend the office of the Silchar Municipal Board and that for all intents and purpose the petitioners continued to the staff/ employees of the Assam Urban Water Supply and Sewerage Board.

5. The learned Addl. Senior Govt. advocate has submitted that he is expecting appropriate instructions within a period of a week and would be in a position to file affidavit-in-opposition in ten days.

6. Taking into account the contents of the notification dated 21.06.2021, where the responsibility of paying salary of the petitioners has not been taken over by the Silchar Municipal Board, the Court is inclined to issue notice on (1) the Commissioner and Secretary to the Govt. of Assam, Department of Housing and Urban Affairs, (2) Commissioner and Secretary to the Govt. of Assam, Finance Department, (3) Executive Officer, Silchar Municipal Board as well as (4) Managing Director, Assam Water Supply and Sewerage Board to file an affidavit to inform the Court as to which authority shall be disbursing salary to the petitioners who are stated to be engaged in the Silchar Water Supply Scheme and are presently working with the Assam Urban Water Supply and Sewerage Board. The specific notice is being issued because the learned senior counsel for the petitioners has submitted that the petitioners have not been paid their salary from June, 2021 to January, 2022. But they were paid salary for the month of February, 2022 to December, 2022 from the funds of the Sewerage Board routed through the Silchar Municipal Board, and that the petitioners have not been paid their salary from January, 2023 to till date. Moreover, it is also submitted that the Assam Urban Water Supply and Sewerage Board is not

deducting the CPF from the petitioners' w.e.f. February, 2022 and that no amount is being deposited in the GSLI from February, 2022 onwards till date.

7. It is provided that in the event no affidavit-in-opposition is filed by the respondents and/ or if there is no clarity in the stand taken in respect of authority who will paying salary to the petitioners, respondents are put to notice that on the next date of listing, orders would be passed for personal appearance of the four authorities on whom notice has been issued with regard to salary of the petitioners.

8. Therefore, the learned Addl. Senior Govt. advocate, standing counsel for Assam Water Supply and Sewerage Board and the learned instructing counsel for the Silchar Municipal Board shall transmit the downloaded copy of this order to their respective authority to bring the order to the said authorities.

9. The pendency of this writ petition shall not be a bar for the respondent authorities to release current salary for the month of July, 2023 to the petitioners as well as salary for the month of August, 2023 to the petitioners as and when it becomes due.

10. There is no dispute at the Bar that insofar the operation of the schemes are concerned, the petitioners are not affected by the operation of scheme. Their only anxiety is that they should receive their monthly salary with other benefits like insurance, CPF, etc. Therefore, in view of the observations made in order dated 19.06.2023, it is clarified that orders passed in this batch of writ petition shall not come in the way of the authorities to hand over the schemes which were earlier operated by the Assam Urban Water Supply and Sewerage Board to the respective Municipal Board, however, with clarity as to

who would be paying the salary of staff engaged in such schemes.

List on 14.08.2023.

JUDGE

Comparing Assistant