

GAHC010039522025



2025:GAU-AS:4632

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

**Case No. : WP(C)/1057/2025**

NAGARJHAR NAU-JUWAN CLUB AND LIBRARY AND 2 ORS.  
A REGISTERED SOCIETY REPRESENTED BY ITS  
SECRETARY  
SHARFUL ALOM, AGED ABOUT 48 YEARS  
SON OF LATE SOHRAB ALI  
RESIDENT OF VILLAGE- NAGARJHAR, P.O. AND P.S.-  
HOWLY, DISTRICT - BARPETA, ASSAM. PIN-  
781316

2: ANISUR RAHMAN  
SON OF LATE MAHMUDUR RAHAMN  
RESIDENT OF VILLAGE- NAGARJHAR VILLAGE

P.O. AND P.S.- HOWLY  
DISTRICT- BARPETA  
ASSAM.  
PIN-781316

3: HAFIZUR RAHMAN  
SON OF LATE ALI AJGAR  
RESIDENT OF VILLAGE- JAIPUR  
P.O. AND P.S.-  
HOWLY  
DISTRICT- BARPETA  
ASSAM. PIN-78131

VERSUS

THE STATE OF ASSAM AND ORS  
REPRESENTED BY THE  
COMMISSIONER AND SECRETARY OF THE  
GOVERNMENT OF ASSAM, SECONDARY EDUCATION  
DEPARTMENT, JANATA BHAWAN, DISPUR, ASSAM,  
PIN- 781006

2:THE SECRETARY OF THE GOVERNMENT OF ASSAM  
SPORTS AND YOUTH WELFARE DEPARTMENT  
JANATA  
BHAWAN  
DISPUR  
ASSAM. PIN- 781006

3:THE DIRECTOR  
SECONDARY EDUCATION  
ASSAM

KAHILIPARA  
GUWAHATI- 781019

4:THE DIRECTOR  
SPORTS AND YOUTH WELFARE

RUDRA SINGH SPORTS COMPLEX  
SUPER MARKET

DISPUR  
ASSAM  
GUWAHATI-781006

5:THE CHIEF ENGINEER  
PUBLIC WORKS  
DEPARTMENT  
BUILDING  
CHANDMARI  
GUWAHATI-  
781003

6:THE CHIEF ENGINEER  
PUBLIC WORKS  
DEPARTMENT  
BUILDING  
CHANDMARI  
GUWAHATI-  
781003

7:THE ADDITIONAL DISTRICT COMMISSIONER (EDUCATION)

P.O. AND P.S. - BARPETA  
DIST.-  
BARPETA  
ASSAM. PIN-781301

8:THE INSPECTOR OF SCHOOLS  
BARPETA  
ASSAM

P.O. AND P.S.- BARPETA  
DIST.- BARPETA  
ASSAM.  
PIN-781301

9:THE DISTRICT SPORTS OFFICER  
GANDHINAGAR

BARPETA  
P.O. AND P.S.- BARPETA  
DIST.-  
BARPETA  
ASSAM. PIN-781301

10:THE PRINCIPAL  
HILAPAKARI HIGHER SECONDARY  
SCHOOL  
JAIPUR  
HOWLY  
BARPETA  
P.O. AND P.S.-  
BARPETA  
DIST  
- BARPETA  
ASSAM. PIN-781316

11:THE PRESIDENT  
SCHOOL MANAGEMENT AND  
DEVELOPMENT COMMITTEE  
HILAPAKARI HIGHER  
SECONDARY SCHOOL  
JAYPUR  
HOWLY  
BARPETA

ASSAM  
PIN-78131

**Advocate for the Petitioner** : MR. N J DUTTA, MR A BASUMATARY,M RAHMAN,MR N AHMED

**Advocate for the Respondent** : GA, ASSAM, SC, SEC. EDU.,SC, PWD

**BEFORE  
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

11.04.2025

1. Heard Mr. N. J. Dutta, learned counsel for the petitioner. Also heard Ms. U. Das, learned Additional Senior Government Advocate, Assam, representing the respondent Nos. 6 and 7.
2. The petitioners alleges that construction of new school building of Hilapakri Higher Secondary School is being carried out over land under Dag No. 133 by encroaching into a football field, which is being used not only the student of the School but also the residence of the locality and the villages.
3. In the aforesaid backdrop, this Court enquired as regard status of the construction more particularly, whether the School field is kept open or the building is constructed over the School field under Dag No. 133.
4. An affidavit has been filed by the respondent No. 7 i.e. Additional District Commissioner, Barpeta, wherein it is admitted at paragraph 5 that the nearby public including the petitioner's club uses the ground for sporting activities with due permission for the School authority and such activities can still be carried out after construction of the new building. At paragraph-6, it is also a stand that for games and sports of the nearby public and for the students of the school, there will be enough space. At paragraph 7, a specific stand has been taken to the effect that the construction of the new building is carried out over the land under Dag Nos. 148 and 134.
5. The petitioner do not dispute that the field for which they have raised their concern is covered under Dag No. 133.

6. In view of the aforesaid, this Court can safely conclude from the affidavit that the school building is not constructed over the Dag No. 133.
7. The petitioner has also filed an additional affidavit responding to the affidavit filed by the respondent No. 7 i.e. Additional District Commissioner, Barpeta, annexing a map, which also goes to show that that the Dag Nos. 134 and 148, where the construction is being carried out is in the boundary of the Dag No. 133 where the field is situated. The petitioner has taken a specific stand at paragraph 6 that they have no objection if the construction is carried out in Dag No. 134 and 148.
8. In view of the aforesaid, the grievances of the petitioners are redressed.
9. This Court is also of the view that a field should be there in a School, as far as practicable more particularly, and when the same is available, it should not be encroached by constructing a building, more particularly, when there are land available for construction, which is also admitted by the respondent authority.
10. Therefore, in view of the aforesaid consensus, this writ petition stands closed. However, it is needless to say that no construction should be made over the football field under Dag No. 133.

**JUDGE**

**Comparing Assistant**