

GAHC010057962024



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

Case No. : WA/138/2024

1.AMIR ALI AND 6 ORS
S/O JURAN ALI RESIDENT OF VILLAGE TUMNISIMLAKANDI,
PO TUMNI, PS SOUTH SALMARA, DIST SOUTH SALMARA MANKACHAR,
ASSAM 783127

2: ABUL KALAM AZAD
S/O JURAN ALI
RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

3: ARFAN ALI
S/O PORAN BASHI
RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

4: OSMAN ALI
S/O PORAN BASHI
RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

5: HOBIBOR RAHMAN
S/O LATE MONSER ALI
RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

6: HAMED ALI
S/O LATE MONSER ALI
RESIDENT OF VILLAGE TUMNISIMLAKANDI
PO TUMNI PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 783127

7: CHAMEN ALI @ SAMEN ALI
S/O LATE MONSER ALI
RESIDENT OF VILLAGE BHALUKKANDI
PO PATAKATA PS SOUTH SALMARA
DIST SOUTH SALMARA MANKACHAR
ASSAM 78312

VERSUS

1. THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DM DEPTT DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
EDUCATION HIGHER DEPARTMENT
GOVT OF ASSAM
DISPUR GUWAHATI 06

3:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR ASSAM

4:THE SUB DIVISIONAL OFFICER (CIVIL)
SOUTH SALMARA MANKACHAR ASSAM

5:THE EXECUTIVE ENGINEER
PWD (BUILDING) DIVISION
DHUBRI ASSAM

6:THE CIRCLE OFFICER
SOUTH SALMARA REVENUE CIRCLE
ASSAM

7:SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR ASSAM

8:JOHIRUL ISLAM
(LOT MONDAL
HIZIRHAT-KHOPATI REVENUE VILLAGE
UNDER SOUTH SALMARA REVENUE CIRCLE) S/O LATE BOKHIOTULLAH
RESIDENT OF VILLAGE SUNDHORPARA PO TUMNI PS AND DIST SOUTH
SALMARA MANKACHAR ASSAM 78312

For the Appellant(s) : Mr. M.U. Mondal, Advocate.
For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue Department
for respondent No.1.
: Mr. S. Das, Standing Counsel, Higher Education
Department for respondent No.2.
: Ms. R.B. Bora, Junior Government Advocate, Assam for
respondent Nos.3, 4, 6 & 7.
: Mr. D. Nath, Standing Counsel, PWD for respondent No.5.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

20.05.2024

(Vijay Bishnoi, CJ)

Mr. M.U. Mondal, learned counsel appearing for the appellants has submitted that in an identical writ appeal, this Court was pleased to issue notices to the respondents and also passed an interim order.

Issue notice to the respondents.

Ms. N. Bordoloi, learned Standing Counsel, Revenue Department puts in appearance on behalf of respondent No.1; Mr. S. Das, learned Standing Counsel, Higher Education Department puts in appearance on behalf of respondent No.2; Ms. R.B. Bora, learned Junior Government Advocate, Assam puts in appearance on behalf of respondent Nos.3, 4, 6 & 7 and Mr. D. Nath, learned Standing Counsel, PWD puts in appearance on behalf of respondent No.5.

As the respondent Nos.1 to 7 are duly represented, no formal steps need be issued in respect of such respondents. However, the appellants shall furnish requisite copies of the memo of appeal to the learned counsel representing the aforesaid respondents.

Let notice be issued to respondent No.8.

Appellants shall take steps for service of notice upon the respondent No.8 by registered post with A/D, returnable on 03.06.2024.

List this writ appeal along with WA No.94/2024 on 03.06.2024 by reflecting the name of learned Standing Counsel, Higher Education Department instead of learned Standing Counsel, Elementary Education Department in the cause-list.

In the meantime, learned counsel appearing for the State may file a factual report regarding the status of the college building, detailing out how much the work has been completed.

JUDGE

CHIEF JUSTICE

Comparing Assistant