

GAHC010077652024



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

Case No. : WP(C)/2182/2024

ABDUL MUTALIB
S/O- LATE ISHAB ALI, R/O- VILL.- UDALABHETI, P.S. BHURAGAON,
MOUZA- BHURAGAON, DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 20 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, POLITICAL AND HOME DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-7.

3:THE INSPECTOR GENERAL OF POLICE (IGP)

RE ORGANIZATION
ASSAM
ULUBARI
GUWAHATI-6.

4:THE ADDITIONAL INSPECTOR GENERAL OF POLICE (AIGP)

RE-ORGANIZATION
ASSAM
ULUBARI
GUWAHATI-6.

5:THE DISTRICT COMMISSIONER
MORIGAON
DIST. MORIGAON

ASSAM
PIN- 782127.

6:THE SUPERINTENDENT OF POLICE

MORIGAON
DIST. MORIGAON
ASSAM
PIN- 782127.

7:THE OFFICER IN CHARGE

BHURAGAON POLICE STATION
DIST. MORIGAON
ASSAM
PIN- 782121.

8:HEMANTA BORAGOHAIN
OFFICER-IN CHARGE BHURAGAON POLICE STATION
DIST. MORIGAON
ASSAM
PIN- 782121.

9:MAHIDUL MASTER
S/O- LATE ABUL HUSSAIN
R/O- VILL.- KUPTIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

10:AMRADUL ISLAM
S/O- LATE ABUL HUSSAIN
R/O- VILL.- KUPTIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

11:SAIDUL ISLAM
S/O- LATE ABUL HUSSAIN
R/O- VILL.- KUPTIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

12:SAHIDUL ISLAM

S/O- LATE ABUL HUSSAIN
BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

13:ABDUL HASEM
S/O- KASHEM ALI
R/O- BHURAGAON TOWN
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

14:MOFIDUL ISLAM
S/O- LATE ABDUL MOHAJAN MASTER
R/O- BHURAGAON TOWN
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

15:SAMSUDDIN
S/O- HAJARAT ALI
R/O- VILL.- ADLAVETI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

16:SADIK ALI
S/O- ABDUL ALI
R/O- VILL.- ADLAVETI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

17:RAKESH PAGALIA
S/O- CCHANDRESWAR PAGALIA
R/O- VILL.- BHURAGAON
BARAKATI
P.S. AND P.O. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

18:SUBHAM MAHANAT

S/O- LATE HEMRAJ MAHANAT
R/O- VILL.- BHURAGAON
NARAKATI
P.S. AND P.O. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

19:SUSHIL KUMAR MAHANOT
S/O- LATE KICHURI CHAND ASOWAL
R/O- VILL.- BHURAGAON
BARAKATI
P.S. AND P.O. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

20:SAURAV MAHANAT
S/O- LATE KICHURI CHAND ASOWAL
R/O- VILL.- BHURAGAON
BARAKATI
P.S. AND P.O. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

21:RAJESH KUMAR MAHANOT
S/O- LATE KICHURI CHAND ASOWAL
R/O- VILL.- BHURAGAON
BARAKATI
P.S. AND P.O. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 24.04.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. In this writ petition, it is alleged that despite order dated 12.02.2024, passed by this Court in CRP No.182/2023, the Officer-in-Charge of Bhuragaon Police Station came to the suit land with some person's named in the petition and dismantled the house of the petitioner.

2. Thereafter, the petitioner has filed a complaint before the competent Court which was made over to the Additional Chief Judicial Magistrate, Morigaon and the said learned Court by order dated 26.02.2024, directed the Officer-in-Charge of Bhuragaon Police Station to register a case and to conduct an enquiry.

3. Thereafter, the complaint was made by the petitioner before the Director General of Police, Assam on 01.03.2024, which was followed by another letter to the Director General of Police, Assam on 15.03.2024.

4. The learned counsel for the petitioner submits that the Officer-in-Charge of Bhuragaon Police Station himself is an accused, and therefore, neither any case has been registered nor any investigation has been done in the matter. Hence, this writ petition has been under Article 226 of the Constitution of India.

5. Issue notice returnable on 12.06.2024.

6. Mr. S. Baruah, learned Govt. Advocate accepts notice on behalf of respondent nos.1 to 7. Therefore, issuance of formal notice is not required. However, requisite extra copies of the writ petition shall be served on him within 2 (two) days.
7. The petitioners shall take steps within 2 (two) days for service of notice on respondent nos.8 to 21 by registered post with A/D.
8. The learned counsel for the petitioner is at liberty to collect the postal receipt numbers and to submit postal track report prior to the next date of listing.
9. Pendency of this writ petition shall not be a bar for the Superintendent of Police, Morigaon (respondent no.6) to have the matter enquired.
10. The learned Govt. Advocate shall send the downloaded copy of this order to the Superintendent of Police, Morigaon (respondent No.6)
11. List on 12.06.2024.

JUDGE

Comparing Assistant