

GAHC010174502021



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

Case No. : WA/292/2021

BISWA BORDOLOI AND 11 ORS
S/O LT. JOGEN BORDOLOI, R/O TORAJAN SONARI GAON, P.O. JORHAT, PIN-
785001, DIST. JORHAT, ASSAM

2: HEMA KANTA DUARAH
S/O PUNESWAR DUARAH
R/O CHARING DUARAH PAR
P.O. CHARING
PIN-785644
DIST. SIVASAGAR
ASSAM

3: MRIDUPABAN DAS
S/O BHELURAM DAS
R/O SILIKHABARI
PIN-785630
DIST. JORHAT
ASSAM

4: DHIREN BORAH
S/O LT. BETHARAM BORAH
R/O VILL. DA-GAYAN GAON
P.O. DHEKORGORA
PIN-785015
DIST. JORHAT
ASSAM

5: SUKHIRAM GOGOI
S/O LT. MONIRAM GOGOI
R/O NO. 2
MOTHADANG GAON
P.O. DEMOWMUKH
PIN-785640
DIST. SIVASAGAR

ASSAM

6: PULIN SAIKIA
S/O LT. BUBAI SAIKIA
R/O NATUN BALIGAON
P.O. KOKILAMUKH
PIN-785108
DIST. JORHAT
ASSAM

7: RANA KUMAR BOIRAGI
S/O LILAKANTA BOIRAGI
R/O MOGRAHAT CHETIA GAON
P.O. MOGRAHAT
PIN-785666
DIST. SIVASAGAR
ASSAM

8: HEM SARMAH
S/O LT. BHADRALAL SARMAH
R/O RAJABARI E AND D COLONY
P.O. RAJABARI
PIN-785014
DIST. JORHAT
ASSAM

9: BOPARAM BORAH
S/O LT. MOHAN BORAH
R/O JORHAT
ELD COLONY
RAJABARI
JORHAT
PIN-785014
DIST. JORHAT
ASSAM

10: DURGESWAR HAZARIKA
S/O LT. BOGIRAM HAZARIKA
R/O MELENG BORKHOLIA
P.O. BORKHOLIA
PIN-785101
DIST. JORHAT
ASSAM

11: DILIP KR. BORAH
S/O LT. BOGIRAM HAZARIKA
R/O NAPAMUA GAON
P.O. KALIANI

PIN-785015
DIST. JORHAT
ASSAM

12: SUSHIL TAMULI
S/O LT. KANTHIRAM TAMULI
R/O NO. 1
LAKHIMIKHAT GAON
P.O. KALIANI
PIN-785018
DIST. JORHAT
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
WATER RESOURCES DEPTT. DISPUR, GUWAHATI-781006.

2:THE SECRETARY
TO THE GOVT. OF ASSAM WATER RESOURCES DEPTT. DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
WATER RESOURCES DEPTT. GOVT. OF ASSAM
CHANDMARI
GUWAHATI-781003

4:THE EXECUTIVE ENGINEER
JORHAT MECHANICAL WATER RESOURCES DIVISION
JORHAT-14
ASSAM

5:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR
GHY-6
ASSA

Advocate for the Petitioner : MS D BORGOHAIN

Advocate for the Respondent : SC, WATER RESOURCE

Linked Case : WA/151/2021

JATISH CHANDRA BORA AND 2 ORS.
S/O LATE BHUGDHAN BORA
R/O HATIPARA
DIST. NAGAON
PIN-782003

2: AFTABUL HAQUE
S/O LATE ABU KAYES
R/O PURANIGUDAM
DIST. NAGAON
PIN-782141

3: ATATUR RAHMAN
S/O JIYAU HAQUE
R/O FAUZDARI PATTY
DIST. NAGAON
PIN-782003
VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE SECRETARY TO THE GOVT. OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVT. OF ASSAM
CHANDMARI GUWAHATI-781003

4: THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCE DIVISION
BHARALUMUKH
GUWAHATI-781009

Advocate for : MR. K N CHOUDHURY
Advocate for : SC
WATER RESOURCE appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WA/148/2021

MADHAB DEKA AND 3 ORS
S/O LATE KHITISH CHANDRA DEKA
R/O DURGA SAROBAR
GUWAHATI
KAMRUP
ASSAM
PIN-781009

2: MD. SALAMUDDIN AHMED
S/O LATE ALI AKBAR ALI
R/O HAJO
MUSLIM PATTY
P.O. AND P.S.-HAJO
KAMRUP
ASSAM
PIN-781102

3: SMTI. ANJUMONI SARMAH
W/O SRI PRADIP CHAKRAVORTY
R/O BASISTHA
RIVER RESEARCH COLONY
GUWAHATI
KAMRUP
ASSAM
PIN-781029

4: HITENDRA NATH SHARMA
S/O LATE BISWANATH SARMA
R/O PUTHIMARI
HARIPUR
KAMRUP
ASSAM
PIN-781382
VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006
3:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT

GOVT. OF ASSAM
CHANDMARI
GUWAHATI-781003
4:THE EXECUTIVE ENGINEER
GUWAHATI WEST WATER RESOURCE DIVISION
BHARALUMUKH
GUWAHATI-781009
5:THE COMMITTEE
CONSTITUTED FOR EARMARKING PERCENTAGE OF VACANCIES IN
GRADE -III TO BE FILLED UP ON PROMOTION FROM GRADE-IV
REPRESENTED BY ITS CHAIRMAN
OFFICE OF THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006
6:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006
7:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : MR. K N CHOUDHURY
Advocate for : SC
WATER RESOURCE appearing for THE STATE OF ASSAM AND 6 ORS

Linked Case : WA/150/2021

KANDARPA CHOUDHURY AND 3 ORS.
S/O LATE SARAT CHOUDHURY
R/O VILL-BARBANG
BAMUNPARA
BARPETA
PIN-781325

2: PABITRA KUMAR PATHAK
S/O LATE SARAT CHANDRA PATHAK
R/O PATHAK HATI
NEAR BARPETA XATRA
BARPETA
PIN-781301

3: MD. AHAL KHAN
S/O LATE KALU KHAN
R/O JOTI GAON
BARPETA
PIN-781301

4: MAJIBAR RAHMAN
S/O LATE RAFIQUE ALI
R/O VILL-TENGAGAON
SARBHUK
BARPETA
PIN-781317
VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

2: COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

4: THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVERNMENT OF ASSAM
CHANDMARI
GUWAHATI-781003

5: THE EXECUTIVE ENGINEER
BARPETA WATER RESOURCES DIVISION
BARPETA

Advocate for : MR. K N CHOUDHURY
Advocate for : SC
WATER RESOURCE appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WA/149/2021

KHANINDRA DEKA
S/O LATE HARI CHANDRA DEKA

R/O SANTIPUR
MANGALDOI
DIST-DARRANG
ASSAM
PIN-784125

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVERNMENT OF ASSAM
CHANDMARI
GUWAHATI-781003

4:THE EXECUTIVE ENGINEER
GUWAHATI MANGALDAI WATER RESOURCE DIVISION
MANGALDAI

Advocate for : MR. K N CHOUDHURY

Advocate for : SC

WATER RESOURCE appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : **16.08.2022**
(R.M. Chhaya, C.J.)

Heard Ms. D. Borgohain, learned counsel for the appellants in Writ Appeal No.292/2021 and Mr. K.N. Choudhury, learned senior counsel, assisted by Mr.

R.M. Deka, learned counsel for the appellants in Writ Appeal No.148/2021; Writ Appeal No.149/2021; Writ Appeal No.150/2021 and Writ Appeal No.151/2021. Also heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Ms. S. Chutia, learned standing counsel, Water Resource Department, appearing for the State respondents.

List again on **22.09.2022**.

JUDGE

CHIEF JUSTICE

Comparing Assistant