

GAHC010119302023



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

**Case No. : WP(C)/3430/2023**

DILIP KUMAR BHATTACHARYA  
S/O- LATE GOBINDO CHANDRA BHATTACHARYA, R/O- PATARKUCHI, P.O  
AND P.S. BASISTHA, GUWAHATI-29, DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF  
REVENUE, DISPUR, GHY-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
PUBLIC WORKS DEPTT.  
DISPUR  
GHY-06

3:THE PRINCIPAL SECRETARY  
DEPTT. OF PANCHAYAT AND RURAL DEVELOPMENT  
GOVT. OF ASSAM  
DISPUR  
GHY-06

4:THE PRINCIPAL SECRETARY  
DEPTT. OF SOCIAL WELFARE  
GOVT. OF ASSAM  
DISPUR  
GHY-06

5:THE SECRETARY  
PUBLIC HEALTH ENGINEERING  
GOVT. OF ASSAM  
DISPUR  
GHY-06

6:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
GHY-01

7:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GHY-19

8:THE CIRCLE OFFICER  
CHANDRAPUR REVENUE CIRCLE  
GUWAHATI- 786026

9:THE BLOCK DEVELOPMENT OFFICER  
CHANDRAPUR DEVELOPMENT BLOCK  
GUWAHATI- 781026

10:THE PRESIDENT AND SECRETARY  
PANIKHAITI GAON PANCHAYAT  
GUWAHATI- 78102

**Advocate for the Petitioner** : MR. D C C PHUKAN

**Advocate for the Respondent** : GA, ASSAM

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

**ORDER**

**16.06.2023**

Heard Mr. DCC Phukan, learned counsel for the petitioner and Ms. P.R. Mahanta, learned standing counsel for the Revenue Department appearing for the respondent no.1 and Mr. B. Gogoi, learned counsel for the respondent no.2 as well as Mr. CKS Baruah, learned counsel for the respondent nos.4, 6 and 8 and Ms. N. Bora, learned standing counsel for the P&RD department appearing for the respondent nos.3 and 9 and Mr. R.R. Gogoi, learned counsel for the

respondent no.5.

Aggrieved by the construction of public/community welfare schemes that are being made on the land of the petitioner, the present writ petition is filed under Article 226 of the Constitution of India.

In so far as the cause title of the respondent no.10 is concerned the same is found defective because in the same cause title, the President and Secretary have both been referred to. Therefore the petitioner shall amend the cause title in respect of respondent no.10 by bifurcating them into two separate respondents and it is provided that the amended cause title shall be filed by the petitioner before the Registry of this Court to be incorporated in this writ petition.

Issue notice returnable in 4(four) weeks.

Requisite extra copies of the writ petition be served on the learned State and Departmental counsel within 2(two) days.

Subject to filing of the amended cause title, issue notice on respondent nos.10 and 11, the petitioner shall take steps for service of notice on the said respondents by registered post with A/D.

List the matter after 4(four) weeks.

**JUDGE**

**Comparing Assistant**