

GAHC010220222012



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

**Case No. : PIL/78/2012**

PRODYUT KUMAR BORA  
S/O SRI LAKSHMIKANTA BORA R/O TILIKIAM, BEZGAON P.S. PULIBOR,  
DIST. JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS  
REP. HEREIN BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,  
SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

SACHIVALAYA  
DISPUR  
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM  
WELFARE OF PLAINS TRIBES AND BACKWARD CLASS DEPT.  
SACHIVALAYA  
DISPUR  
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER

KAMRUP METRO.

5:THE DEPUTY COMMISSIONER  
KAMRUP  
NORTH GUWAHATI.

6:THE DEPUTY COMMISSIONER

DHEMAJI  
DIST. DHEMAJI.

7:THE DEPUTY COMMISSIONER

TINSUKIA  
DIST. TINSUKIA.

8:THE DEPUTY COMMISSIONER

GOALPARA  
DIST. GOALPARA.

9:THE DEPUTY COMMISSIONER

MORIGAON  
DIST. MORIGAON.

10:MARKUSH BASUMATARY  
S/O- LT. RAJENDRA BASUMATARY  
R/O VILL.- SOUTH GANDABIL  
V.C.D.C. AMGURI  
P.S.- AMGURI  
DIST.- CHIRANG  
BTAD  
ASSAM.

11:THE B.T.C.  
REP. BY THE PRINCIPAL SECY.  
B.T.C.  
KOKRAJHAR  
DIST.- KOKRAJHAR  
ASSAM.

12:THE PRINCIPAL SECY.  
B.T.C.  
KOKRAJHAR  
ASSAM.

13:NOOR MAHAMMAD  
SON OF LATE ABDUL KARIM  
RESIDENT OF VILLAGE - AMARAGURI  
P.O. JALAKIA BARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

14:MUSLEM UDDIN

SON OF LATE JUBED ALI  
RESIDENT OF VILLAGE - AMARAGURI  
P.O. JALAKIA BARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

15:MAHAMMAD ALI  
SON OF LATE SADAR ALI  
RESIDENT OF VILLAGE - AMARAGURI  
P.O. JALAKIA BARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

16:JAHED ALI  
SON OF LATE MAJAM ALI  
RESIDENT OF VILLAGE - AMARAGURI  
P.O. JALAKIA BARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

17:NAZRUL ISLAM  
SON OF LATE OCHAM ALI  
RESIDENT OF VILLAGE - AMARAGURI  
P.O. JALAKIA BARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

18:ANSARUL ISLAM  
SON OF LATE IZZAT ALI  
RESIDENT OF VILLAGE - BARBARI  
P.O. BARBARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

19:NUR UDDIN

SON OF LATE IZZAT ALI  
RESIDENT OF VILLAGE - BARBARI  
P.O. BARBARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

20:RAMJAN ALI  
SON OF LATE JANAB ALI  
RESIDENT OF VILLAGE - BARBARI  
P.O. BARBARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

21:MD. KHAJAL UDDIN  
SON OF LATE JAHUR ALI  
RESIDENT OF VILLAGE - BARBARI  
P.O. BARBARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

22:JABED ALI  
SON OF LATE MANNAS ALI  
RESIDENT OF VILLAGE - BARBARI  
P.O. BARBARI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

23:ABDUL ZALIL CHOUDHURY  
SON OF LATE FAIZUDDIN AHMED  
RESIDENT OF VILLAGE AND P.O. CHATIENTALI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

24:FAKAR UDDIN  
SON OF LATE ABDUL HALIM  
RESIDENT OF VILLAGE AND P.O. CHATIENTALI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

25:SAFIR UDDIN  
SON OF LATE ABDUL JABBAR  
RESIDENT OF VILLAGE AND P.O. CHATIENTALI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

26:RUHUL AMIN  
SON OF LATE SAFIR UDDIN  
RESIDENT OF VILLAGE AND P.O. CHATIENTALI

P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

27:AKTAR HUSSAIN  
SON OF HASMOT ALI  
RESIDENT OF VILLAGE AND P.O. CHATIENTALI  
P.S. LAHORIGHAT  
DISTRICT - MORIGAON  
ASSAM.

28:SRI JOHN DAS  
S/O SRI NAKUL CHANDRA DAS  
VILL.- UZIRBARI  
P.O.-THAMNA  
PIN-781377  
DISTRICT - BAKSA (BTAD)  
ASSAM.

29:SRI MADHAB RAJBONSHI  
SON OF SRI ANORAM RAJBONSHI  
VILLAGE AND P.O.- MERKUCHI  
P.S.- BARAMA  
DISTRICT- BAKSA  
ASSAM  
PIN-781346

**Advocate for the Petitioner : P K GOSWAMI**

**Advocate for the Respondent : MR.U S BORA**

Linked Case : PIL/22/2019

THE NORTH EAST HERITAGE FOUNDATION AND ANR.  
H.O. WARD NO.8  
KOKRAJHAR TOWN  
P.O. KOKRAJHAR  
P.S. AND DIST- KOKRAJHAR  
ASSAM- 783370  
REP. BY ITS DIRECTOR  
SHRI RAJKUMAR PRITHVIRAJ NARAYAN DEV MECH  
AGED ABOUT 21 YEARS  
S/O- PRADIP NARAYAN DEV MECH

PERMANENT R/O- GOGLAPARA  
BASUGAON WARD NO. 1  
P.O. AND P.S. BASUGAON  
DIST- CHIRANG  
BTAD  
ASSAM- 783372

2: THULUNGA BASUMATARY  
S/O- DASARAT BASUMATARY  
EXECUTIVE DIRECTOR  
NORTH EAST HERITAGE FOUNDATION  
PERMANENT R/O- CHANDRAPUR  
P.O. HALTUGAON  
P.S. AND DIST- KOKRAJHAR  
ASSAM- 783370  
VERSUS

THE UNION OF INDIA AND 10 ORS.  
TO BE REP. BY THE SECY.  
MINISTRY OF HOME AFFAIRS  
INDIA  
NORTH BLOCK  
NEW DELHI- 110001

2:THE CHIEF ELECTION COMMISSIONER  
ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN  
ASHOKA ROAD  
NEW DELHI- 110001

3:THE STATE OF ASSAM  
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPTT.  
DISPUR  
GHY-6

4:THE CHIEF ELECTORAL OFFICER  
ASSAM  
DISPUR  
GHY-6

5:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.  
DISPUR  
GHY-6

6:THE BODOLAND TERRITORIAL COUNCIL (BTC)  
REP. BY THE PRINCIPAL SECY.  
BTC  
KOKRAJHAR  
ASSAM- 783370

7:THE SECRETARY

LAND REVENUE AND DISASTER MANAGEMENT

BTC

KOKRAJHAR

ASSAM- 783370

8:THE DY. COMMISSIONER

KOKRAJHAR

P.O. KOKRAJHAR

ASSAM- 783370

9:THE DY. COMMISSIONER

CHIRANG

P.O. KAJALGAON

ASAM- 783385

10:THE DY. COMMISSIONER

BAKSA

P.O. MUSHALPUR

ASSAM- 781377

11:THE DY. COMMISSIONER

UDALGURI

P.O. UDALGURI

ASSAM- 784509

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Advocate for : MR. N H BARBHUIYA

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 10 ORS.

Linked Case : I.A.(Civil)/2213/2019

RAJKUMAR PRITHVIRAJ NARAYAN DEV MECH

AGED ABOUT 22 YEARS

S/O PRADIP NARAYAN DEV MECH

DIRECTOR

NORTH EAST HERITAGE FOUNDATION

PRESENT ADDRESS WARD NO. 8

P.O. AND P.S. KOKRAJHAR

DIST. KOKRAJHAR

BTAD

ASSAM 783370 PERMANENT ADDRESS GOG LAPARA (W/N-1)

P.O. AND P.S. BASUGAON

DIST. CHIRANG

BTAD

ASSAM 783372

VERSUS

THE UNION OF INDIA AND 10 ORS.

TO BE REPRESENTED BY THE SECY.

MINISTRY OF HOME AFFAIRS  
INDIA  
NORTH BLOCK  
NEW DELHI 110001

2:THE CHIEF ELECTION COMMISSIONER  
ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN

ASHOKA ROAD  
NEW DELHI- 110001

3:THE STATE OF ASSAM  
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPTT.

DISPUR

GHY-6

4:THE CHIEF ELECTORAL OFFICER  
ASSAM

DISPUR

GHY-6

5:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.

DISPUR

GHY-6

6:THE BODOLAND TERRITORIAL COUNCIL (BTC)  
REP. BY THE PRINCIPAL SECY.

BTC

KOKRAJHAR

ASSAM- 783370

7:THE SECRETARY

LAND REVENUE AND DISASTER MANAGEMENT

BTC

KOKRAJHAR

ASSAM- 783370

8:THE DY. COMMISSIONER

KOKRAJHAR

P.O. KOKRAJHAR

ASSAM- 783370

9:THE DY. COMMISSIONER

CHIRANG

P.O. KAJALGAON

ASAM- 783385

10:THE DY. COMMISSIONER

BAKSA

P.O. MUSHALPUR

ASSAM- 781377

11:THE DY. COMMISSIONER

UDALGURI

P.O. UDALGURI

ASSAM- 784509

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Advocate for : MR. N H BARBHUIYA

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 10 ORS.

**BEFORE  
HON'BLE THE CHIEF JUSTICE(ACTING)  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 08.06.2022**

Heard Mr. S. Borthakur, learned senior counsel appearing for the petitioners. Also heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Ms. N. Bordoloi, learned Standing counsel, Revenue, and Mr. J.M.A. Choudhury, learned counsel, appearing for the respondents.

Mr. S. Borthakur, learned senior counsel prays for three weeks' time to file necessary affidavit.

Prayer is allowed.

List the matters again on 20.07.2022.

**JUDGE**

**CHIEF JUSTICE (ACTING)**

**Comparing Assistant**