

GAHC010170392020



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

Case No. : WP(C)/5018/2020

ABDUL MANNAF CHOUDHURY
S/O LT. AYNAL HOQUE, PRAGATI NAGAR, BHALUKDUBI, JUNGLE BLOCK
NO.2, P.S. AND DIST- GOALPARA, PIN-783121, ASSAM

VERSUS

THE STATE OF ASSAM AND 14 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GHY-6

2:COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS (BUILDING) DEPARTMENT
DISPUR
GHY-6

3:DEPUTY COMMISSIONER
GOALPARA
ASSAM
PIN-783121

4:SUPERINTENDENT OF POLICE
GOALPARA
ASSAM- 783121

5:ADDL. DY. COMMISSIONER (REVENUE)
O/O THE DY. COMMISSIONER
GOALPARA
ASSAM
PIN-783121

6:EXECUTIVE ENGINEER
PWD

BUILDING DIVISION
GOALPARA
ASSAM- 783101

7:CIRCLE OFFICER
BALIJANA REVENUE CIRCLE
P.O. BALIJANA
GOALPARA
ASSAM- 783120

8:SHAHIDUL ALOM
S/O ABDUL MAZID SK.
R/O SIMLABARI
P.O. SIMLABARI
DIST- GOALPARA
ASSAM
PIN-783120

9:FORIDA YASMIN
W/O ANOWAR HUSSAIN
R/O DAKURBHITA
P.O. GOALPARA
DIST- GOALPARA
ASSAM-783101

10:MAMONI BEGUM
W/O ROFIQUL ISLAM
R/O SALPARA
MOLANDUBI PART-I
P.O. KRISHNAI
DIST- GOALPARA
ASSAM-783126

11:SAIF UDDIN AKANDA
S/O MOTIOR RAHMAN
R/O CHILAR BHITA
P.O. TULSIBARI
DIST- GOALPARA
ASSAM
PIN-783132

12:ROWSANA E KHANOM
W/O KHATIBUDDIN AHMED
R/O GANDHINAGAR
P.O. KRISHNAI
DIST- GOALPARA
ASSAM
PIN-783126

13:NAZIMA BEGUM
W/O GOLAM BABUR KIBRIYA
R/O KHALISABHITA
P.O. KHALISABHITA
DIST- GOALPARA
ASSAM
PIN-783330

14:NASIUR RAHMAN
S/O MOTIOR RAHMAN
R/O SHAHIDNAGAR (BHALUKDUBI) NEAR GOALPARA ENGLISH SCHOOL
P.O. BHALUKDUBI
DIST- GOALPARA
ASSAM
PIN-782131

15:PRADEEP KUMAR NATH
PRESIDENT
BHALUKDUBI SANMILIT SACHETAN NAGARIK MANCH
S/O LT. GANESH CHANDRA NATH
R/O BHALUKDUBI
P.O. BHALUKDUBI
DIST- GOALPARA
ASSAM
PIN-78213

Advocate for the Petitioner : MR D DAS, MR. R RAHMAN

Advocate for the Respondent : GA, ASSAM, MS P KAKATI (R8-R12),MS F PARBIN (R8-R12),MR A K AHMED (R8-R12),MR. B J TALUKDAR (r-14,15),SC, REVENUE,SC, PWD

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

04.12.2025

1. Heard Mr. D. Das, learned counsel for the petitioner. Also heard Mr. N. Das, learned counsel for the respondents.
2. This writ petition was instituted in the year 2020 with a prayer for a direction to the respondents to ensure execution of the order dated 04.06.2020 issued by

the Office of the Deputy Commissioner, Goalpara, to the Circle Officer, Balijana Revenue Circle. The matter relates to the construction/creation of a drain on government land, intended to divert accumulated rainwater from the affected area to the lower-lying areas, thereby preventing inundation in the locality.

3. The petitioner claims to be residing on the aforesaid government land. It is the case of the petitioner that, on an earlier occasion, a challenge had been raised against the order dated 04.06.2020 by filing WP(C) No. 3133/2020. The said writ petition was disposed of by this Court by granting the petitioners therein an opportunity to submit a representation before the competent authorities within a period of three weeks from the date of the order, and by directing the respondents to consider the representation to be filed by the petitioners in that case, if submitted within the time frame granted by the Court.

4. The learned counsel for the petitioner submits that no such representation had been preferred by the petitioners in that writ petition; however, the affidavit-in-opposition filed by the respondent authorities in the present writ petition indicates that the petitioners in the earlier writ petition had been called and heard. The learned counsel for the petitioner further points out that, as per the affidavit-in-opposition filed by the respondent authorities, they concur with the position that straightening of the canal would, in fact, provide relief from the problem of inundation in the area.

5. Mr. N. Das, learned counsel appearing for the respondents, when confronted with the aforesaid stand, prayed for an accommodation till 20.01.2026 to obtain instructions as to whether the drain has since been constructed and whether the respondents intend to proceed with the straightening of the drain. Mr. N. Das shall ensure that the requisite instructions on the issues raised are placed before the Court on 20.01.2026.

6. A copy of this order be furnished to Mr. N. Das, learned counsel appearing for the respondent authorities, for doing the needful.
7. Since the matter has been pending since 2020, it is made clear that, in the event the respondents fail to furnish the necessary instructions, adverse orders may follow.
8. List the matter on 20.01.2026.

JUDGE

Comparing Assistant