

GAHC010170392020



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

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

07.02.2024

The petitioner herein is aggrieved by the inaction on the part of the respondent authorities in not giving effect to the order dated 04.06.2020, whereby it was decided that the existing canal would be allowed to proceed in

terms with the convenient path for canal, rather than the path the private respondents have made, inasmuch, as the path which the private respondents have made by diverting the canal have led to the erosion of the private land of the petitioner and others.

2. It reveals from the record that the respondent authorities have duly passed an order dated 04.06.2020 directing diversion of the course of the public drain as per its natural flow. This order, however, was put to challenge by the private respondents in WP(C)No.3133/2020 before this Court. By the order dated 18.08.2020, this Court on the ground that the principles of natural justice was not adhered to, granted opportunity to the private respondents, who were the petitioners in that proceedings to apply for modification/alteration/vacation of the order dated 04.06.2020 before the competent authority and further directed that the said representation be submitted within a period of three weeks from 18.08.2020 and to be considered on merit and dispose of by a speaking order after hearing all stakeholders including the private respondents who were the writ petitioners therein. It was also mentioned that until the said exercise is not completed, the operation of the impugned order dated 04.06.2020 shall remain suspended.

3. Today, Mr. BJ Talukdar, the learned senior counsel appearing on behalf of the District Administration has submitted that the private respondents had duly submitted their representation, however, after the period of three weeks as directed by this Court. Be that as it may, the respondent authorities are still considering the said representation and a notice was issued on 12.01.2021. In consequence to such notice, some of the private respondents appeared, whereas the others did not.

4. It has also been submitted that out of the private respondent Nos.8 to 15,

only the private respondent Nos.11 and 12 had filed their representations.

5. Be that as it may, it is the opinion of this Court that the respondent authorities cannot delay the disposal of the said proceedings for an indefinite period. From the record itself, it reveals that more than three and a half years have passed by. It is also seen that the respondent District Administration have not taken further steps after 12.01.2021.

6. Under such circumstances, this Court, therefore, directs the District Administration, more particularly, the District Commissioner, Goalpara either by himself or through his delegates to take urgent steps for disposal of the said proceedings.

7. This Court fixes the matter again on 28.03.2024. On which date, Mr. BJ Talukdar, the learned senior counsel appearing on behalf of the respondent District Administration shall apprise this Court as to whether any decision has been taken in respect of the order dated 04.06.2020 by the respondent authorities.

8. List accordingly.

9. This Court further directs the District Administration, Goalpara to take appropriate steps so that the said proceedings initiated at the behest of the private respondents can be disposed of prior to the next date fixed by this Court so that the same can be placed before this Court.

JUDGE

Comparing Assistant