

GAHC010192972023



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

Case No. : WP(C)/5013/2023

NIBARAN KALITA
S/O- LATE TANU RAM KALITA, R/O- SANTIPUR OF NALBARI TOWN, WARD
NO. 7, P.S. AND DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 30 ORS
NOTICE THROUGH THE CHIEF SECRETARY, ASSAM, DISPUR.

2:THE DISTRICT COMMISSIONER
NALBARI
ASSAM

3:SMT. BARNALI DEKA
DISTRICT COMMISSIONER
NALBARI.

4:SMT. CHAYANIKA THAKURIA
ADC
NALBARI.

5:KUNKUM DAS
FINANCE AND ACCOUNTS OFFICER
D.C. OFFICE
NALBARI

6:JAYANTA MALLA BARUAH
HONBLE MINISTER
PUBLIC HEALTH ENGINEERING
SKILL AND ENTREPRENURESHIP AND TOURISM
ASSAM
DISPUR.

7:MADAN MALAKAR
R/O- PALLA ROAD
P.O.
PS. AND DIST. NALBARI
PIN- 781335.

8:MANOJ KUMAR CHOUDHURY
S/O- LATE KANAK CHOUDHURY
PERMANENT RESIDENT OF NATIRAM ROAD
GOPAL BAZAR
NALBARI TOWN
DIST. NALBARI
ASSAM

9:SRI SRI NALBARI HARI MANDIR

NALBARI
REP. BY ITS PRESIDENT
SRI ASHOK KUMAR SARMA
FORMER MLA

S/O LATE LAKHI NATH SARMA

BARKURA
BARAMA ROAD

WARD NO. 8 OF NALBARI TOWN

DIST. NALBARI

10:SHRI NAGEN DEKA
GENERAL SECRETARY OF SRI SRI NALBARI HARI MANDIR

S/O LATE TARINI DEKA
R/O VILL- DIGHELI
P.O. BAR DIGHELI
P.S. NALBARI
DIST.NALBARI

11:SRI BANASHWER DAS
S/O SISHURAM DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

12:SRI SUBHASH DEBNATH

S/O LATE PRAMOD DEBNATH
NALBARI HARI MANDIR

N.T. ROAD NALBARI
DIST. NALBARI

13:SRI SUBODH DEKA
S/O LATE KRISHNAKANTA DEKA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

14:SRI KESHAB BARMAN
S/O LATE BIPIN BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

15:SRI PRADIP CHOUDHURY
S/O LATE AMULYA CHOUDHURY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

16:SRI MALAY MAHANTA
SO LATE SARAT MAHANTA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

17:SRI KAILASH MEDHI
S/O LATE GIRISH MEDHI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

18:SRI ASHOK DAS
S/OLATE GIRIDHAN DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

19:SRI SHISHU HALOI
S/O LATE MUARAM HALOI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

20:SRI HAREN HALOI
S/O LATE SARAT HALOI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

21:SRI RATUL ROY
S/O LATE SUREN ROY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

22:SRI GIRISH TAHBILDAR
S/O LATE POHARURAM TAHBILDAR
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

23:SRI AJAY DAS
S/O LATE ARUN KUMAR DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

24:SRI SUKUMAR SARMA
S/O LATE UPENDRANATH SARMA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

25:SRI PAKAJ BARMAN
S/O LATE HAREN BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

26:SRI TAPESWAR DAS
S/O LATE KESAB DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

27:SRI SARBESWAR KALITA
S/O LATE BHABIT KALITA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

28:SRI NARESWAR KALITA
S/O LATE SAMBARU KALITA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

29:SRI PARESH BARMAN
S/O LATE UMESH CH. BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

30:SRI GANESH TAMULY
S/O LATE NABIN TAMULY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

31:DIPAK BARUAH
S/O LATE ANANTA BARUAH
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

32:SRI NALINI KANTA SHEEL
S/O MAHENDRA SHEEL

RESIDENT OF VILLAGE-TILANA
PO-MUGKUCHI

DIST.-NALBARI

33:SRI NIRA BARUAH
W/O LATE RAMEN BARUAH
RESIDENT OF WARD NO. 4
DOL GOBINDAPUR
NALBARI TOWN
PO-MILANPUR
DISTRICT-NALBARI

34:SRI NAMITA BHATTACHARJYA
W/O LT. BIBEKANANDA BHATTACHARJYA

R/O WARD NO. 11 (HAJO ROAD)
NALBARI TOWN
PO-NALBARI
DIST.-NALBARI

35:SRI JOHN KUMAR BARMAN
S/O SRI NARAYAN CHANDRA BARMAN

VILL-DOULGOBINDAPUR
NALBARI TOWN
WARD NO. 4
PO-MILANPUR
DISTRICT-NALBARI

36:SRI HEMANTA KUMAR DAS
S/O LT. UMESH CHANDRA DAS

VILL-KHUDRACHENIKUCHI
PO-NANKARBHOYORA
DISTRICT-NALBARI

37:SRI DWIPEN KALITA
S/O LT. AJIT KALITA

VILL-SANDHA
PO-SANDHA
DIST.-NALBARI

38:SRI MOHAN HALOI
S/O-LT. ARABINDA HALOI

VILL.-MOIRADANGA
PO-CHENGNOI
DIST-NALBARI

39:SRI MINTU TAMULI
S/O-HARMOHAN TAMULI

VILL-TILANA
PO-MUGKUCHI
DIST.-NALBARI

40:SRI AKSHAY DEKA
S/O LT. NARAYAN DEKA

VILL-KENDUKUCHI
PO-BARKHANA JAN
DIST-NALBARI

41:SRI ANUP DAS
S/O-SRI BIPIN DAS

VILL-NT ROAD
NALBARI TOWN
WARD NO. 1
PO-NALBARI
DIST.-NALBARI

42:SRI DHIRAJ DAS
S/O-LT. SARBESWAR DAS

VILL.-NALBARI TOWN
WARD NO. 2
(MALIKUCHI)
PO.-NALBARI
DISTRICT.-NALBARI

43:SRI DILJIT BARMAN
S/O-LT. DAKHYARAM BARMAN

VILL.-NANKARBHOYORA
PO.-NANKARBHOYORA
DISTRICT.-NALBARI

44:SRI DIGANTA LOCHAN SARMA
S/O. LT. RAMOSH CHANDRA SARMA

VILL.-BIDYAPUR
NALBARI TOWN
WARD NO. 2
PO.-NALBARI
DISTRICT-NALBARI

45:SRI DHRUBA JYOTI SARMA
S/O.-LT. JITENDRA NATH SARMA

VILL-NALBARI TOWN
SHANTIPUR
COLLEGE ROAD
(JITENDRA PATH)
WARD NO. 7
PO.-NALBARI
DISTRICT-NALBAR

Advocate for the Petitioner : MR D CHOUDHURY, MR M CHOUDHURY,MRS A K CHOUDHURY

Advocate for the Respondent : GA, ASSAM, MS. N RAJMEDHI (3,4),MS. B S GOYAL (R-3,4),MS. P N SUMI (R-3,4),MS B CHAUHAN (R-3,4),MR. A J HAZARIKA (R-3,4),MR P NAYAK (r-7,8,11,20,30),MR. B GOGOI (r-7,8,11,20,30),MS. PADMINI BARUA (r-7,8,11,20,30),MS. RUKMINI BARUA (r-7,8,11,20,30),MS P DAS (r-7,8,11,20,30),MR A CHALIHA (r-7,8,11,20,30),MR. R BORPUJARI (r-7,8,11,20,30),MR. B CHOUDHURY (R-6),MS S MOCHAHARI (r-10,12-19,21-23,27,28),MR. S DUTTA (r-10,12-19,21-23,27,28),MR S DUTTA (r-10,12-19,21-23,27,28)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

24.06.2025

1. There are altogether 45 numbers of respondents in this writ petition.
2. The respondent Nos. 1, 2 and 5 are being represented by Mr. D. Nath, learned Senior Counsel. The respondent Nos. 1 and 2 has already filed their affidavit. The petitioner has also filed their reply-affidavit to the said affidavit filed by the respondent Nos. 1 and 2.
3. The respondent Nos. 3 and 4 are being represented by Mr. A. J. Hazarika, learned counsel.
4. The respondent No. 6 is represented by Mr. B. Choudhury, learned counsel.

5. The respondent Nos. 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 27 and 28 are being represented by Mr. S. Dutta, learned Senior Counsel.
6. The respondent No. 7, 8, 11, 20 and 30 are being represented by Ms. R. Baruah, learned counsel.
7. Though notices were served upon the respondent Nos. 32 to 45, none appears for them.
8. So far relating to remaining respondents, it is on record and reported before the Registry that the respondent No. 31, has in the meantime expired.
9. So far relating to the respondent Nos. 24, 25, 26 and 29, though notices were duly served upon them, none appears for the said respondents. Therefore, the matter is ready as regards service.
10. The learned counsel for the petitioner is extensively heard and he has concluded his argument.
11. List this matter for further hearing on 25.07.2025.

JUDGE

Comparing Assistant