

GAHC010202552021



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

Case No. : WP(C)/118/2022

BADAN CHANDRA BORA
S/O. RABIRAM BORA, R/O. 8TH MILE, AMERIGOG, P.S. BASISTHA (OUT
POST JORAHAT) P.O. KHANAPARA, DIST. KAMRUP(M), ASSAM, PIN-781023.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT, ASSAM CIVIL SECRETARIAT, DISPUR,
GUWAHATI, PIN-781006.

2:THE ADDL. DEPUTY COMMISSIONER AND CEO

DISTRICT DISASTER MANAGEMENT AUTHORITY
KAMRUP (M)
GUWAHATI-781001.

3:CIRCLE OFFICER

DISPUR REVENUE CIRCLE
DISPUR
PIN-781028.

4:DIRECTOR

SOIL CONSERVATION RG BARUAH ROAD
GUWAHATI-781005.

5:DIVISIONAL FOREST OFFICER

KAMRUP EAST DIVISION
BASISTHA

GUWAHATI-781039.

6:OFFICER IN CHARGE

JORBAT OUT POST
JORABAT
GUWAHATI.

7:BIKASH AGARWAL
R/O. FLAT NO. C1
DURGA RESIDENCY
BACK SIDE OF MLA HOSTEL
DISPUR-781005

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate)

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 10-10-2023

Mr. K.K. Mahanta, learned Sr. counsel assisted by Ms. N. Begum, learned counsel for the writ petitioner is present. Mr. N. Goswami, learned Govt. Advocate, Assam appearing for the respondent Nos. 2, 3 and 6 submits that in terms of the order dated 25-09-2023, the Addl. District Commissioner, Kamrup & CEO, District Disaster Management Authority has filed an affidavit on 06-10-2023, bringing on record, a copy of the notice by means of which, the private respondent has been asked to take corrective measures within 07 days.

However, I find that the affidavit is not on record.

Considering the nature of grievance expressed in this writ petition, since the concerned authorities have already taken some steps for ensuring the safety of the area

under consideration, this Court is of the opinion that the authority must be allowed reasonable time to bring the said process to its logical end. As such, Registry to list this case again after the reopening of the Puja vacation by tagging the affidavit dated 06-10-2023 with the record of this case.

Petitioner would be at liberty to file rejoinder and/ or additional affidavit on/ or before the next date fixed, bringing on record new developments, if any, in the matter.

Ms. G. Hazarika, learned standing counsel, Revenue Department, Assam appearing for the respondent No. 1, Ms. R.S. Deuri, learned standing counsel, Soil Conservation appearing for the respondent No. 4, Mr. D. Gogoi, learned standing counsel, Forest Department, Assam appearing for the respondent No. 5 and Mr. B.K. Das, learned counsel appearing for the respondent No. 7 are present.

On the request of Mr. K.K. Mahanta, let this writ petition be listed again on 09-11-2023.

JUDGE

GS

Comparing Assistant