

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

Linked Case : I.A.(Civil)/1777/2022

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Advocate for : MR K K MAHANTA (Sr. Advocate)
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.07.2023

Heard Mr. K.K. Mahanta, learned senior counsel, assisted by Ms. N. Begum, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned standing counsel for the respondent no.1, Mr. R.S. Deuri, learned standing counsel for the respondent no.4, and Mr. A.S. Ali, learned counsel for the respondent no.7.

2. In course of the proceedings today, the learned Govt. Advocate has produced a copy of communication bearing No. DDMA K(M) 42/2017/629 dated 21.07.2023 by the Additional Deputy Commissioner & CEO, District Disaster Management Authority, Kamrup (Metropolitan), Guwahati addressed to the respondent no.7 to take precautionary measures within 7 (seven) days, failing which the respondent no.7 is forewarned of further legal action against him under the Disaster Management Act. The requirement being, (1) Construction of RCC retaining wall in the lower part of the plot, (2) Series of boulder masonry wall with RCC post along the cut portion of the hill, (3) All the earth exposed area to be covered by Geo-textile mat and vetiver plantation.

3. Needless to say that the respondent no.2 shall pursue his said communication 21.07.2023 and bring it to its logical conclusion.

4. It has also come to the notice of the Court that one of the issues which may arise for determination of the writ petition is that the respondent no.7 is in breach of deed of agreement dated 02.02.2020 (Annexure-6). Therefore, whether the breach of contract can be a subject matter of adjudication of a writ petition shall be addressed by the learned senior counsel for the petitioner in the next date of listing.

5. List on 27.07.2023.

JUDGE

Comparing Assistant