

GAHC010239262019



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

Case No. : WP(C) 7392/2019

1:MATHURAPUR THANA COMMITTEE AND ANR.
REPRESENTED BY ITS PRESIDENT - SRI SALBAHADUR LAMA, P.O. AND
P.S. MATHURAPUR, DISTRICT- CHARAIDEO, ASSAM.

2: SALBAHADUR LAMA
SON OF LATE NARBAHADUR
RESIDENT OF 101
GRANT
MAIBALA CO-OPERATIVE VILLAGE
P.O. MAIBALA
P.S. MATHURAPUR
DISTRICT- CHARAIDEO
ASSAM. PIN- 78244

VERSUS

1:THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE ASSAM VILLAGE DEFENCE ORGANIZATION
REPRESENTED BY THE CHIEF CONTROLLER CUM DEPUTY INSPECTOR
GENERAL OF POLICE
ULUBARI
DISTRICT- KAMRUP(M)
ASSAM
PIN- 781007.

3:THE CHIEF CONTROLLER
ASSAM VILLAGE DEFENCE ORGANIZATION CUM- THE DEPUTY
INSPECTOR GENERAL OF POLICE
ASSAM- ULUBARI
DISTRICT- KAMRUP(M)

ASSAM
PIN- 781007.

4:THE DISTRICT VILLAGE DEFENCE OFFICER-CUM-SUPERINTENDENT OF
POLICE
SONARI
DISTRICT- CHARAIDEO
ASSAM
PIN- 782445

5:THE SUB-DIVISIONAL VILLAGE DEFENCE OFFICER-CUM-SUB-
DIVISIONAL POLICE OFFICER
SONARI SUB DIVISION
DISTRICT- CHARAIDEO
ASSAM
PIN- 782445.

6:THE THANA VILLAGE DEFENCE OFFICER- CUM- THE OFFICER-IN-
CHARGE OF MATHURAPUR POLICE STATION
P.S. MATHURAPUR
DISTRICT- CHARAIDEO
ASSAM.

7:SATRUGHAN GOWALA
THE CIRCLE ORGANIZER
VILLAGE DEFENCE ORGANISATION
MATHURAPUR
P.O. AND P.S. MATHURAPUR
DISTRICT- CHARAIDEO
ASSAM
PIN 782445

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

01.10.2019

Heard Mr. P. J. Saikia, learned counsel for the writ petitioners.

Alleging contravention of the provisions of the Assam Village Defence Organisation Act, 1966 as well as the Rules framed thereunder, the petitioners are before this Court inter-alia contending that the concerned Circle Officer has acted in violation of the Rules only to cause injury to the interest of the petitioners.

Ms. K. Phukan, learned Govt. Advocate, Assam, prays for some time to obtain instruction.

Issue notice returnable in four weeks.

Since Ms. K. Phukan, learned Govt. Advocate, Assam, has entered appearance and accepted notice on behalf of respondent Nos.1 to 6, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in number, be furnished to the learned Govt. Advocate within three days from today so as to enable her to obtain instruction.

Petitioners to take steps for service of notice upon the respondent No.7 by registered post with A/D as well as by usual process within a week from today.

On the request of Mr. Saikia, the petitioners are permitted to implead the Circle Organizer, Village Defence Organisation, Mathurapur, District Charaideo, Assam, in his official capacity as respondent No.8 in the writ petition.

Office to make necessary endorsement in the cause title of the writ petition.

Since Ms. K. Phukan, learned Govt. Advocate, has accepted notice on behalf of the newly impleaded respondent No.8 as well, no formal notice is required to be sent to the said respondent.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

Ms. Phukan to obtain instruction from the respondent No.4 on the allegations made in the writ petition.

It is made clear that any action taken in the matter shall be subject to further orders that may be passed in the writ petition.

JUDGE

Comparing Assistant