

GAHC010271022022



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

Case No. : WP(C)/131/2023

NUR ABBAS AND 2 ORS
S/O.- LATE HAJI ABUAL HUSSAIN,
A RESIDENT OF VILLAGE- MILON NAGAR,
P.O.- BALADMARI, DIST.- GOALPARA,
ASSAM.

2: ASHRAFUL ISLAM MOLLIK
S/O- ANOWAR UZZAMAN MOLLIK

A RESIDENT OF VILLAGE- AMBARI

P.O. AMBARI BAZAR

DST.- GOALPARA
ASSAM.

3: AMANUL HOQUE
S/O- HABIBOR RAHMAN

A RESIDENT OF VILL.- BAMUNPARA

P.O.- MATIA
DIST.- GOALPARA

ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY,
GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
ASSAM, DISPUR, GUWAHATI-6. .

2:THE DEPUTY COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM.

4:THE GOALPARA ZILLA PARISHAD
TO BE REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

GOALPARA ZILLA PARISHAD

DIST.- GOALPARA
ASSAM.

5:THE CIRCLE OFFICER
BALIJANA REVENUE CIRCLE
P.O.- BALIJANA

DIST.- GOALPARA
ASSAM.

6:THE BLOCK DEVELOPMENT OFFICER
BALIJANA DEVELOPMENT BLOCK
P.O.- BALIJANA

DIST.- GOALPARA
ASSAM.

7:THE KALYANPUR GAON PANCHAYAT
TO BE REPRESENTED BY ITS SECRETARY

VILL. KALYANPUR

P.O.- KALYANPUR

DIST.- GOALPARA
ASSAM.

8:THE SISHU SAROTHI
TO BE REPRESENTED BY ITS PRESIDENT

R.K. MISSION ROAD

BISHNU RABHA NAGAR

P.O.- BIRUBARI
GUWAHATI

DIST.- KAMRUP(M)
ASSAM.
PIN- 781016.

9:THE SISHU VIKASH KENDRA
GOALPARA
TO BE REPRESENTED BY ITS SECRETARY

BHALUKDUBI
P.O.- BALADMARI

DIST.- GOALPARA
ASSAM

PIN- 783121.

10:SHAILAN DAS
PRESIDENT OF THE SISHU VIKASH KENDRA
GOALPARA

C/O- KULODA CHARAN DAS

R/O- NAYAPARA

P.O.- AND DIST.- GOALPARA

ASSAM. PIN- 783101

Advocate for the Petitioner : MR. M A I HUSSAIN, MR. S H ZAMAN

Advocate for the Respondent : SC, P AND R.D., MS. N BORA,MR SAURADEEP DEY(R-10),MR S BORTHAKUR (R-10),R. CHAUHAN,MS G DAS,MRS. R S CHOWDHURY,MR. DITUL DAS (r-9,10),MR. R RAHMAN (r-9,10),GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

02.12.2025

Heard Mr. S. Alom, learned counsel appearing on behalf of Mr. M. A. I. Hussain,

learned counsel for the petitioner. Also heard Mr. N. Das, learned Govt. Advocate, Assam representing the respondent Nos. 2, 3 and 5, Mrs. R. S. Choudhury, learned counsel for the respondent No. 8 and Mr. A. K. Ghosh, learned counsel appearing on behalf of Mr. S. Dutta, learned counsel for the respondent Nos. 1, 4, 6 and 7.

This is a writ petition pending from 2023, where the proceedings of Lawazima Court of dated 09.06.2023 reflects that the respondent No. 9 had been completed.

The respondent No. 9 had entered appearance by filing their vakalatnama.

Affidavit-in-opposition on behalf of the respondent No. 5 and respondent No. 8 is available on record. The affidavit-in-opposition filed by respondent No. 5 will cover to respondent Nos. 2 and 3.

The writ petition was filed praying for directions to the respondent authorities to interfere in the shop constructed at Bhalukdubi on a plot of land covered by Dag No. 193, adjacent to Bhalukdubi Super Market.

The pleadings on record reflect that the Circle Officer of Balijana Revenue Circle, Goalpara had issued notices to the respondent No. 9, requiring them to stop construction works immediately at the Bhalukdubi Child Development Centre.

The respondent No. 8 has filed an affidavit stating that the respondent No. 8 had extended its "early intervention services through an outreach program for children with disabilities and their families" in Goalpara, with an agreement with the respondent No. 9. However, the respondent No. 8 submits on the affidavit that it is not connected with constructions, if any, being undertaken by the respondent No. 9.

The respondent No. 9 had entered appearance in September, 2024 and today, when the matter was taken up for consideration, a prayer has been made on behalf of the respondent No. 9 that they may be allowed to file an affidavit to bring on their response to the writ petition.

This Court is of the view that the respondent No. 9 is attempting to delay

adjudication of the matter.

As a last opportunity, the respondent No. 9, is allowed to bring its response on record on or before 19.12.2025.

List this matter again on 22.01.2026, by which time, all contesting parties will be at liberty to respond to the affidavits filed by the respondent No. 9 and by any of the contesting parties.

An attempt shall be made to take up this matter for disposal on 22.01.2026.

JUDGE

Comparing Assistant