

GAHC010168632019



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

Case No. : I.A.(Civil)/18/2023

THE COMMISSIONER LOWER ASSAM DIVISION

PANBAZAR
GUWAHATI
ASSAM
PIN 781001.

VERSUS

NURUL ISLAM AHMED AND 6 ORS.
S/O. ABDUL AZIZ SK
R/O. FULERCHAR
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-783135

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER

SOUTH SALMARA MANKACHAR
HATSINGIMARI
DIST. SOUTH SALMARA MANKACHAR
ASSAM CUM CHAIRMAN OF THE SELECTION COMMITTEE.

4:THE ADC OF SOUTH SALMARA MANKACHAR

HATSINGIMARI

DIST. SOUTH SALMARA MANKACHAR
ASSAM
CUM MEMBER OF THE SELECTION COMMITTEE.
5:THE CIRCLE OFFICER

MANKACHAR REVENUE CIRCLE CUM MEMBER OF THE SELECTION
COMMITTEE
DIST. SOUTH SALMARA MANKACHAR
ASSAM.
6:THE CIRCLE OFFICER

SOUTH SALMARA REVENUE CIRCLE CUM MEMBER OF THE SELECTION
COMMITTEE
DIST. SOUTH SALMARA MANKACHAR
ASSAM.
7:NURUL ISLAM SHEIKH

S/O. LT. GYAN BEPARI
R/O. VILL. BHIMPARA
P.O. HATSINGIMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHARA
PIN-783135.

Advocate for : JR. GA
ASSAM
Advocate for : MR. S K DAS appearing for NURUL ISLAM AHMED AND 6 ORS.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

18.01.2023

Heard Mr. D. Nath, learned Senior Govt. Advocate appearing for the applicant and Mr. S.K. Das, learned counsel appearing for the opposite party, writ petitioner. Also heard Mr. T.J. Mahanta, learned Senior Counsel appearing for the private respondent No. 7 and Mr. J. Handique, learned counsel appearing for the respondent No. 1 (Revenue Department).

By filing this application, the applicant i.e., the Commissioner, Lower Assam Division arrayed as respondent No. 2 in the main writ petition has sought for modification of the orders dated 12.12.2022 and 19.12.2022 passed in the main writ petition. Mr. D. Nath, learned Senior Govt. Advocate appearing for the applicant by relying upon the application submits that the applicant is the appellate authority regarding appointment of Gaonburah and therefore, not the competent authority to take a decision on the selection made by the Selection Committee for selecting Gaonburah which is headed by the Deputy Commissioner of the district concerned. He submits that since there is no interference from the Commissioner on the issue in any manner, the interim orders may be suitably modified.

The learned counsel for the writ petitioner on the other hand submits that there has been serious irregularities in the selection of the Gaonburah for Lot No. 12 and other Lots in South Salmara Mankachar and therefore, the relief claimed by the petitioner in the main writ petition is genuine and legitimate and that the orders may not be modified, vacated or altered.

Upon hearing the learned counsels for the parties and upon careful perusal of the orders passed by this Court, which has been sought to be vacated or modified, it is seen that the Commissioner, Lower Assam Division besides filing the instant application has already filed an affidavit in the main writ petition on 02.01.2023 in terms of the Court's order dated 12.12.2022 and therefore, Court does not find any ground to modify, vacate or alter the order dated 12.12.2022 or the order dated 19.12.2022. It is however observed that if it is the Revenue Department to take necessary steps in the matter, the

Revenue Department which is already arrayed as respondent No. 1 should clarify its stand in the main writ petition.

With the above observation, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant