

GAHC010013742023



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

Case No. : I.A.(Civil)/179/2023

FATEMA KHATUN AND ANR.
W/O. LT. HAZRAT ALI, R/O- VILL. AND P.O. KASHORI, P.S. JURIA, DIST.
NAGAON, ASSAM, PIN- 782124.
2: HAZRAT RAZZAKO TAJKHAN
PETITIONER BEING MINOR REPRESENTED BY HER FATHER AS NATUARL
GUARDIAN
D/O- AMRAN HUSSAIN KHAN
R/O- VILL. AND P.O. KASHORI
P.S. JURIA
DIST. NAGAON
ASSAM
PIN- 782124
VERSUS
THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
PUBLIC HEALTH ENGINEERING DEPTT., DISPUR, GUWAHATI-06.
2: THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING (WATER) DEPTT.
ASSAM
HENGRABARI
GUWAHATI-36.
3: THE ADDL. CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT.
ITACHALI
NAGAON
ASSAM
PIN-782003.
4: THE SECTIONAL ASSTT.
PUBLIC HEALTH ENGINEERING DEPTT.
MAHERIPAR
P.O. JURIA
DIST. NAGAON
ASSAM
PIN-782124

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

09.05.2023

1. Heard Mr. M.A. Sheikh, learned counsel for the applicant, who submits that the applicants had made mistakes in the Cause Title of WP(C) No.7473/2022, inasmuch as, there is no Commissioner & Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati-6 and instead there is a Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati-6. He also submits that the respondent no.3., i.e. Additional Chief Engineer, should be changed to Executive Engineer. Similarly, the respondent no.4 should be changed from Sectional Assistant to Sectional Officer.

2. Besides the above, he also submits that a modification of the order dated 23.11.2022 passed in WP(C) No.7473/2022 has to be made in paragraph nos.5 & 6, inasmuch as, instead of the words "Commissioner & Secretary" the word "Secretary" should be inserted.

3. The applicants' counsel thus prays that modification of the respondents in the Cause Title may be made as follows :

“(a) The respondent no.1 i.e “The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati-6.” may be corrected and modify as follows-

1. The State of Assam, represented by the Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati-6."

(b) The respondent no.3 i.e The Additional Chief Engineer, Public Health Engineering Department, Itachali, Nagaon, Assam, Pin- 782003. " may be corrected and modify as follows-

"The Executive Engineer, Public Health Engineering Department, Nagaon Division, Mohkhuli, P.O.- Mohkhuli, Nagaon, Assam, Pin- 782003."

(c) That respondent no.4, i.e. The Sectional Assistant, Public Health Engineering Department, Maheripar, P.O. Juria, District- Nagaon, Assam, PIN- 782124" - may be corrected and modify as follows -

"The Sectional Officer, Public Health Engineering Department, Maherinar PO Juria District- Nagaon Assam Pin- 702124 "

4. Ms. M. Kalita, learned counsel appearing for the PHE Department submits that she has got no objection to the prayer made by the applicants' counsel.

5. In view of the consent of the counsel of the PHE Department, the Cause Title with regard to the respondent nos.1, 3 & 4 shall be corrected/modified as follows :

The respondent no.1 -

The State of Assam, represented by the Secretary to the Government of Assam, Public Health Engineering Department,

Dispur, Guwahati-6."

The respondent no.3 –

"The Executive Engineer, Public Health Engineering Department, Nagaon Division, Mohkhuli, P.O.- Mohkhuli, Nagaon, Assam, Pin-782003."

That respondent no.4 -

"The Sectional Officer, Public Health Engineering Department, Maherinar PO Juria District- Nagaon Assam Pin-702124 "

6. Further, the words "Commissioner & Secretary" reflected in paragraph nos.5 & 6 of the order dated 23.11.2022 passed in WP(C) No.7473/2022 shall be replaced by the word "Secretary".

7. The application is accordingly disposed off.

In view of the modification made to the Cause Title and order dated 23.11.2022 passed in WP(C) No.7473/2022, the time period of 2 months given to the respondent no.1, for examining and taking a decision on the petitioner's representation dated 16.08.2022 should be counted from the date the respondent no.1 is given a copy of this order.

JUDGE

Comparing Assistant