

GAHC010051462023



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

Case No. : I.A.(Civil)/684/2023

AZIAL HOQUE
S/O- LT. AJGAR ALI,
VILL.- CHOTO BAZRA,
P.O.- HAZIRHAT, P.S.- SUKCHAR,
DIST- SOUTH SALMARA- MANKACHAR,
ASSAM, PIN- 783128.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-6.

2:THE COMMISSIONER PANCHAYT AND RURAL DEVELOPMENT DEPTT.
GOVT. OF ASSAM
PANJABARI
JURIPAR
GUWAHATI- 37.

3:THE DEPUTY COMMISSIONER
SOUTH SALMARA-MANKACHAR DISTRICT
HATSINGIMARI
ASSAM.

4:THE ZILLA PARISHAD SOUTH SALMARA-MANKACHAR
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

DISTRICT- SOUTH SALMARA- MANKACHAR

HATSINGIMARI
ASSAM.

5:THE CIRCLE OFFICER
SOUTH SALMARA REVENUE CIRCLE
P.O- SOUTH SALMARA
DIST- SOUTH SALMARA- MANKACHAR

ASSAM
PIN- 783127.

6:THE HAZIRHAT GAON PANCHAYAT
REPRESENTED BY ITS SECRETARY
P.O.- HAZIRHAT
P.S.- SUKCHAR
DIST.- SOUTH SALMARA- MANKACHAR
ASSAM

PIN- 783128.

7:AMINUL HOQUE AHMED

S/O LATE AJGAR ALI
R/O VILLAGE CHOTO BAZRA
P.O. HAZIRHAT
P.S. SUKCHAR
DISTRICT SOUTH SALMARA-MANKACHAR
ASSAM
PIN-783128

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

15.03.2023

Heard Mr. G. Alom, learned counsel for the applicant; Mr. N.K. Dev Nath, learned Standing Counsel, Panchayat & Rural Development [P&RD] Department for the opposite party nos. 1, 2, 4 & 6; Ms. S. Sarma, learned Junior Government Advocate, Assam for the opposite party nos. 3 & 4; and Mr. A. Islam, learned counsel for the opposite party no. 7-writ

petitioner.

2. The opposite party no. 7 as the writ petitioner, has preferred the connected writ petition, W.P.[C] no. 873/2023 contending that the respondent authorities have sought to prevent him from operating Takimari Hat @ New Takimari Hat, a private market on different counts.

3. The applicant has preferred the instant interlocutory application seeking his impleadment as a party-respondent in the writ petition, W.P.[C] no. 873/2023. The applicant has averred that the opposite party no. 7-writ petitioner has alleged in the writ petition that the jurisdictional Zilla Parishad has entered into an agreement with the applicant in order to shift the private market away from the land of the opposite party no. 7-writ petitioner's private plot of land without his knowledge.

4. Mr. Alom, learned counsel for the applicant has submitted that for proper adjudication on the issues involved in the connected writ petition, presence of the applicant as a party-respondent is necessary.

5. Learned counsel for the opposite parties have not seriously objected to the prayer for impleadment of the applicant as a party-respondent in the connected writ petition.

6. I have gone through the averments made in the instant interlocutory and considered the issues involved in the connected writ petition, W.P.[C] no. 873/2023.

7. Having regard to the averments made in the instant interlocutory application, I find that the contention that the applicant would be a necessary party in the connected writ petition has force as the applicant was earlier operating the private market with the opposite party-writ petitioner. Further, considering that there is no objection on the part of the learned counsel for the opposite parties, the instant interlocutory application seeking impleadment of the applicant – "Azial Hoque, aged about 59 years, S/o Late Suban Sheikh, R/o Village Takimari, P.O. Hazirhat, P.S. Sukchar, District – South Salmara Mankachar, Assam PIN –

783128" as the party-respondent no. 7 in the writ petition, W.P.[C] no. 873/2023, is allowed.

8. The office is to make necessary correction in the cause-title of the writ petition.

JUDGE

Comparing Assistant