

GAHC010061872023



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

Case No. : WP(C)/1647/2023

MOKABUL HUSSAIN AND 4 ORS
SON OF LATE JAHER ALI, RESIDENT OF VILLAGE DUMORTOLA,
P.O.- RADHA MADHAB HUT,
P.S.- MANKACHAR,
DISTRICT- SOUTH SALMARA MANKACHAR, ASSAM.

2: RUBI BEGUM
DAUGHTER OF LATE MANIRUDDIN @ MONOR UDDIN

RESIDENT OF VILLAGE DUMORTOLA

P.O.- RADHA MADHAB HUT

P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

PETITIONER NO. 2 IS MINOR AND REPRESENTED BY THE PETITIONER NO.
1.

3: MOYNA BEGUM
DAUGHTER OF LATE MANIRUDDIN @ MONOR UDDIN

RESIDENT OF VILLAGE DUMORTOLA

P.O.- RADHA MADHAB HUT

P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

PETITIONER NO. 3 IS MINOR AND REPRESENTED BY THE PETITIONER NO.
1.

4: AZIZ MIAH (MINOR)
SON OF LATE MANIRUDDIN @ MONOR UDDIN

RESIDENT OF VILLAGE DUMORTOLA

P.O.- RADHA MADHAB HUT

P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

PETITIONER NO. 4 IS MINOR AND REPRESENTED BY THE PETITIONER NO.
1.

5: SONALI BEGUM (MINOR)
DAUGHTER OF LATE MANIRUDDIN @ MONOR UDDIN

RESIDENT OF VILLAGE DUMORTOLA

P.O.- RADHA MADHAB HUT

P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

PETITIONER NO. 5 IS MINOR AND REPRESENTED BY THE PETITIONER NO.
1

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF RURAL DEVELOPMENT,
NEW DELHI- 110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
P.O. AND P.S.- MANKACHAR
PIN- 783131

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM.

4:THE PROJECT DIRECTOR
DISTRICT RURAL DEVELOPMENT AGENCY
SOUTH SALMARA MANKACHAR

P.O. AND P.S. MANKACHAR
PIN- 783131

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

5:THE ZILLA PARISHAD

REPRESENTED BY THE CHIEF EXECUTIVE OFFICER
SOUTH SALMARA MANKACHAR

P.O. AND P.S. HATSINGIMARI

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM

PIN- 783136.

6:THE BLOCK DEVELOPMENT OFFICER
MANKACHAR DEVELOPMENT BLOCK
P.O. AND P.S. - MANKACHAR
PIN- 783131

DISTRICT- SOUTH SALMARA
ASSAM.

7:THE SECRETARY
PATHURI GAON PANCHAYAT
P.O. RADHA MADHAB HUT

P.S.- MANKACHAR
PIN- 783135

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM.

8:AFRUJA KHATUN

W/O- MD. NUR ALOM

P.O. RADHA MADHAB HUT

P.S.- MANKACHAR

PIN- 783135

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM

Advocate for the Petitioner : MR R S CHAUHAN

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 01/12/2023

Heard Mr. R. S. Chauhan, learned counsel for the petitioners. Also heard Mr. N. K. D. Nath, learned standing counsel, P and RD Department; Ms. U. Das, learned Additional Senior Government Advocate and Mr. A. R. Tahbildar, learned CGC.

2. This writ petition is filed by the petitioners who claimed to be the persons who are eligible to claim the benefit of affordable housing to Poor/BPL persons in rural areas in terms of Pradhan Mantri Aawas Yojana Gramin Scheme.

3. According to the petitioner under the said scheme Pradhan Mantri Aawas Yojana Gramin Scheme vide Id No. 2677338 was allotted in the name of the son of the petitioner, Moniruddin under House Hold No. 030/0231. However, son of the petitioner expired on 08.10.2023 leaving behind 5 (five) minor children. It is submitted that the wife of the deceased son transferred the allotment of the house to her name without any authority. The applicant being the mother of the deceased, Moniruddin had represented before the Deputy Commissioner, South

Salmara by representation dated 09.03.2023 praying for transfer of the allotted Pradhan Mantri Aawas Yojana Gramin Scheme house in favour of the granddaughter, one Rubi Begum, who is the daughter of the deceased Moniruddin. The said application is stated to be pending.

4. The respondents although were permitted to complete their instructions they have not been posted with their instructions.

5. Considering the limited prayer made in the writ petition, this Court is of the view that the matter need not be kept pending for want of instructions from the respondents.

6. The Deputy Commissioner, South Salmara, namely the respondent No.3 is directed to dispose of the representation stated to be pending before the respondent No. 3 by passing an appropriate speaking order. The Deputy Commissioner, prior to disposing of the representation will give a personal hearing of the petitioner and the respondent No.8, who is stated to be the daughter-in-law of the petitioner and in whose name the allotted house has been transferred.

7. Let the exercise be completed within a period of 30 (thirty) days from the date of receipt of certified copy of this order. Any such order that is passed, copies thereof be furnished to the petitioner and respondent No.8. The petitioner will place the certified copy of this order before the Deputy Commissioner, South Salmara within a period of 2 (two) weeks from today.

8. Writ petition is disposed of in terms of the above.

JUDGE

Comparing Assistant