

GAHC010129512013



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

Case No. : WP(C)/1806/2013

RAICHAH 'KA' , 'KHO'..... and 5 ORS.
RAICHAH 'KA', 'KHO', 'KONWAR DIHINGIA GAONOR 'KHO' KHONDO,
KALIAPANI, DIGHALIBAM, BARBARI, THANALINE ARU
LAKSHMINAGAOROK 'DEMOW NAGAR SAMITY, ELEKAR PORA
PRATYAHAROR DABI SAMITI DEMOW CHARIALI, P.O. and P.S.- DEMOW,
DIST.- SIVASAGAR, REP. BY ITS PRESIDENT SRI DURGESWAR GOGOI.

VERSUS

THE STATE OF ASSAM and 3 ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, URBAN DEVELOPMENT
DEPTT., ASSAM, DISPUR, GHY- 6.

Advocate for the Petitioner : MR.R BORUAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

24.08.2023

Heard Mr. A. K. Gupta, learned counsel for the petitioners. Also heard Mr. H. Sarma, learned Addl. Senior Govt. Advocate, Assam appearing for the respondent Nos.1 to 4.

The writ petitioners herein claim to be the original inhabitants of the villages identified as Raichai 'Ka', 'Kha', Konwar Dihingia Gao 'Kha' Block, Kaliapani Dighali Bam, Bahbari and Thanaline in the district of Sivasagar. According to the projections made in the writ petition, most of the villagers of the aforesaid localities are living below the poverty line. However, due to the inclusion of the aforesaid villages within the jurisdictional area of Demow Town Committee, these villagers have been deprived of various beneficial schemes introduced by the Central Government as well as the State Government of Assam which include schemes such as MNREGA, BPL/APL etc. According to the petitioners, the notification to include the aforesaid villages within the jurisdiction of "Demow Town Committee" was issued without following the mandatory provisions of Section 334(2) of the Assam Municipal Act, 1956 as a result of which, the villagers did not get an opportunity to raise their objection in the matter.

Mr. Gupta submits that a number of representations have already been submitted by the petitioners before the respondent No.3 i.e. the Deputy Commissioner, Sivasagar ventilating their grievances in the matter. However, no action on such representations, which are supported by resolutions adopted in the meetings of the villagers, has been taken by the administration till today. Hence, this writ petition.

Mr. H. Sarma, learned Addl. Senior Govt. Advocate, Assam submits that instructions, as called for are still awaited. The learned Government Advocate has, however, submitted that having regard to the nature of grievance expressed in the writ petition, he would have no objection if the petition is disposed of by remanding the matter to the respondent No.3 with a direction to

examine the grievance of the petitioners and if necessary, initiate fresh action, in compliance with the requirement of law, more particularly Section 334(2) of the Act of 1956.

Mr. Gupta has also agreed to the said recourse.

In view of the above, without expressing any opinion on the claims of the petitioners on merit, this writ petition is hereby disposed of with a direction upon the respondent No.3 to consider the grievance of the petitioners, as reflected in the representation dated 22.01.2013 (Annexure-F series) and thereafter, take appropriate steps in the matter as may be permissible under the law, in the light of the observations made herein above, so as to redress the grievance of the petitioners. Facilitating the above, the petitioners to produce a certified copy of this order along with copies of the representations enclosed to the writ petition within a period of four weeks from today so as to enable the respondent No.3 to take appropriate action in the matter.

Writ petition stands closed.

JUDGE

Comparing Assistant