

GAHC010144952023



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

Case No. : PIL/50/2023

ABDUL MATIN AND 3 ORS
S/O RAIS ALI, R/O VILL- PANIGHAT, P.S.-KARIMGANJ, DIST- KARIMGANJ,
ASSAM, PIN-788709

2: ISMAIL HUSSAIN
S/O SAFAR ALI
R/O VILL-PANIGHAT
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788709

3: MUJIBUR RAHMAN
S/O SIFAT ALI
R/O VILL- PANIGHAT
P.S.-KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN-788709

4: NURUL ISLAM
S/O ABDUL CHATTAR
R/O VILL- PANIGHAT
P.S.-KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN-78870

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, TRANSFORMATION AND DEVELOPMENT
DEPARTMENT, 4TH FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI-06,

ASSAM

2:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
TRANSFORMATION AND DEVELOPMENT DEPTT.
4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
KARIMGANJ
CUM CHAIRPERSON
DISTRICT LEVEL COMMITTEE
AXOM ADARXO GRAM YOJANA
KARIMGANJ
ASSAM
PIN-788710

4:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788710

5:THE BLCOK DEVELOPMENT OFFICER
NORTH KARIMGANJ DEVELOPMENT BLOCK
KARIMGANJ
ASSAM
PIN-788710

6:THE VILLAGE LEVEL COMMITTEE
UNDER AAGY SCHEME
HEADED BY THE BLOCK DEVELOPMENT OFFICER
NORTH KARIMGANJ DEVELOPMENT BLOCK
KARIMGANJ
ASSAM
PIN-78871

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

30.06.2023

(AM Bujor Barua, J)

Heard Mr. D Hussain, learned counsel for the petitioners. Also heard Ms. M Bhattacharjee, learned Additional Senior Government Advocate, Assam for the respondents No.1, 2 and 3. Mr. U Sarma, learned counsel appears for the respondents No.4-6, Although the names of the learned counsel for the respondents No.4-6 are not reflected in the cause list, we are taking up the matter on the premises that considering the nature of the order proposed to be passed, the respondents No.4-6 are not required to be heard for the present.

2. This PIL is instituted by Abdul Matin, Ismail Hussain Mujibur Rahman and Nurul Islam, all residents of village Panighat, Police Station Karimganj in the Karimganj district being aggrieved by the constitution of a construction committee as per the Notification dated 12.06.2023 of the Deputy Commissioner Karimganj. The construction committee is as extracted:

<i>Sl No.</i>	<i>Name of Committee Member</i>	<i>Address</i>	<i>Designation</i>
1.	Smti Anjana Paul, BDO (Ph. 9435461739)	North Karimganj Dev. Block	Chairman

2.	Sri Abdul Laise Mazumder, Asstt. Engineer (Ph. 9401417810)	North Karimganj Dev. Block	Member Secretary cum Technical Member
3.	Sri Mujakkir Hussain, S/o Lt. Sumsuddin (Ph 6003458295)	Vill- Panighat	Member
4.	Sri Nazrul Islam, S/o Lt Ishaid Ali (Pn. 8099104860)	Vill- Panighat	Member
5.	Sri Ataullah, S/O Lt. Jamir Ali (Pn. 6002784152)	Vill- Panighat	Member
6.	Sri Moharam Ali, S/o Lt. Samir Ali (Ph. 8811819391)	Vill- Panighat	Member
7.	Sri. Subal Namasudra, S/o Lt. Gopal Ram Namsudra (Pn. 7896182308)	Vill- Nayabilerpar	Member

3. The petitioners are aggrieved to the extent that the Member Secretary-cum Technical Member Abdul Laise Mazumder, Asstt. Engineer is not eligible to be appointed as the Member Secretary, in view of the guidelines under the name *Asom Adarsha Gram Yojana* wherein the constitution of the committee is prescribed under Clause IV.7. As per Clause IV.7 the Member Secretary should be either a school teacher or any government servant living in the village. It is stated that Abdul Laize Mazumder is not living in the village concerned and, therefore, it is claimed that although he can be appointed as a technical

member, but he cannot be appointed as a member secretary.

4. Being aggrieved, the petitioners have submitted a representation dated 19.06.2023 before the Deputy Commissioner, Karimganj which is available as Annexure-E, page 76 to the writ petition. As the representation is submitted only on 19.06.2023 and the writ petition is moved today i.e. on 30.06.2023, we require the Deputy Commissioner Karimganj to take note of the representation and pass a reasoned order in accordance with law.

5. The Deputy Commissioner, Karimganj may pass a reasoned order within 15(fifteen) days from the date of receipt of the certified copy of this order.

6. We are clarifying that we have not given any observation on the merit of the claim of the petitioners and it is for the Deputy Commissioner to pass any appropriate order as per its merit.

7. The PIL stands disposed of in the above terms.

JUDGE

JUDGE

Comparing Assistant