

GAHC010188992018



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

Case No. : WP(C)/5895/2018

DIBYA BARMAN AND 8 ORS.

S/O. RAJARI BARMAN, R/O. VILL.- BISHKHOWA PART II, P.O. BISHKHOWA,
P.S. GOLAKGANJ, DIST.- DHUBRI, ASSAM, PIN- 783334.

2: DHIREN BARMAN @ DHIRENDRA NATH BARMAN

S/O. MADHAB BARMAN
VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM. PIN- 783334.

3: PARESH BARMAN

S/O. HAWA BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

4: KALI PRAMANAN BARMAN

S/O. DEBENDRA NATH BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

5: ADHIR BARMAN

S/O. JOGENDRA BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA

P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

6: BOICHAL BARMAN
S/O. CHARKUTI BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

7: ADESWARI BARMAN
D/O. RAJANI BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

8: HEDESWAR BARMAN
S/O. RADESWAR BARMAN
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

9: JOGESH CH. BARMAN
S/O. JUGAL KISHOR SARKAR
R/O. VILL. BISHKHOWA PART II
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR, GHY
06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GUWAHATI-06.

3:THE DIRECTOR OF PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM
DISPUR
GHY 06.

4:THE DEPUTY COMMISSIONER
DHUBRI
P.O.
P.S. AND DIST. DHUBRI
ASSAM
PIN- 783301.

5:THE PROJECT DIRECTOR (P AND RD)
DHUBRI
ASSAM
P.O.
P.S. AND DIST. DHUBRI
ASSAM
PIN- 783301.

6:THE BLOCK DEVELOPMENT OFFICER

GOLAKGANJ DEVELOPMENT BLOCK
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

7:THE CHIEF EXECUTIVE OFFICER

ZILLA PARISHAD
DHUBRI
P.O.
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

8:THE SECRETARY

BISHKHOWA GAON PANCHAYAT
P.O. BISHKHOWA
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM

PIN- 783334

For the Petitioner (s) : Mr. M.U. Mondal, Advocate.
For the Respondent (s) : Mr. N.K. Debnath, Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

20.11.2023

The instant writ petition has been filed by the Petitioners, who are nine in numbers, being aggrieved by the inaction on the part of the Respondent Authorities in not allotting/releasing the assistance under the Pradhan Mantri Awaas Yojana – Gramin (PMAY) house.

2. Today when the matter has been taken up, Mr. N.K. Debnath, the learned counsel appearing on behalf of the P & RD Department submits that except the Petitioner Nos. 6 & 8 all the Petitioners have already received their entitlement of an amount of Rs.1,30,000/- and their houses have been duly sanctioned and completed. As regards the Petitioner No. 6, his name is not enlisted in the Socio-Economic and Caste Census (SECC) 2011 and Awaas Plus Wait List for which the Respondent No. 6 is not eligible. As regards the Petitioner No. 8, his name is though there in the Wait List of SECC and Awaas Plus, but his father's name is not matching.

3. Taking into account that all the Petitioners except the Petitioner Nos. 6 & 8 have duly received their entitlement, nothing survives to be decide in respect to their entitlement. However, as regards the Petitioner No. 6, it is the opinion of this Court that as the guidelines require that he ought to have

been enlisted in the SECC and Awaj Plus Wait List, the Petitioner No. 6 would be at liberty to approach the Block Development Officer, Golakganj Development Block seeking his enlistment in the Wait List as per the guidelines. As regards the Petitioner No.8, this Court grants the liberty to the said Petitioner to approach the BDO, Golakganj Development Block and produce the necessary documents and clarifications in respect to the mismatching of his name with that of his father. This Court directs that the Respondent Authorities upon being satisfied with the clarifications shall do the needful for disbursing the entitlement of the Petitioner No. 8.

4. The BDO, Golakganj Development shall do the needful upon the Petitioner No. 6 approaching as per the guidelines required under the Pradhan Mantri Awaas Yojana – Gramin.

5. The instructions placed before this Court by Mr.N.K. Debnath, the learned counsel for the P & RD Department is kept on record and marked with the letter "X".

6. With the above observations and directions, the petition stands disposed.

JUDGE

Comparing Assistant