

GAHC010207452023



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

Case No. : PIL/61/2023

DIPANKAR CHOWDHURY AND 2 ORS.
S/O HARAN CHOWDHURY, R/O VILL AND P.O.-BASHBERA, P.S.-
MISSAMARI, DIST-SONITPUR, ASSAM, PIN CODE-784506

2: ALLAL AHMED
S/O ABDUL RAHMAN
R/O VILL AND P.O.-BASHBERA
P.S.-MISSAMARI
DIST-SONITPUR
ASSAM, PIN CODE-784506

3: MRINAL KANTI DHAR
S/O NRIPENDRA DHAR
R/O VILL AND P.O.-BASHBERA
P.S.-MISSAMARI
DIST-SONITPUR
ASSAM, PIN CODE-78450

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, PUBLIC
WORKS DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM, CHANDMARI
GUWAHATI-781003

3:THE EXECUTIVE ENGINEER
PWD (ROADS)
SONITPUR ROAD DIVISION
TEZPUR, DIST-SONITPUR
ASSAM

PIN CODE - 784001

4:THE DISTRICT COMMISSIONER
SONITPUR
TEZPUR
DIST-SONITPUR
ASSAM
PIN CODE - 784001

5:THE CIRCLE OFFICER
THELAMARA REVENUE CIRCLE
VILL AND P.O.-THELAMARA
DIST-SONITPUR
ASSAM
PIN CODE-78414

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : SC, PWD ROAD

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-09-2023

Heard the learned counsel for the parties.

The instant PIL has been filed by the petitioners with the following prayers:

“Under the above circumstances, it is therefore prayed that Your Lordships would graciously be pleased to admit this petition, call for the records, and issue a Rule calling upon the respondents to show cause as to why a writ in the nature of Mandamus/Certiorari and/or any other appropriate Writ, order of direction of like nature should not be issued, directing/commanding the respondent authorities to construct a RCC culvert on Kolakuchi Garjuly PWD Road of 15 feet to 20 feet length at about 500 metres distance from Bashbera Post Office towards the east of the Road connecting Chariduar Tea Estate, District Sonitpur, Assam, so as to enable passage of water underneath and after perusal of the records, cause or cause shown if any and upon hearing the parties, Your Lordships may be pleased to make the Rule absolute and/or pass such appropriate order/orders or direction as Your Lordships may deem fit and

proper in the interest of justice.

AND

Further, it is also prayed that pending disposal of the Rule, Your Lordships may be pleased to direct the respondent authorities to keep an opening for passage of water at the above site and/or not to block the said waterway and/or pass any other appropriate order as Your Lordships may deem fit and proper, in the interest of justice.”

The petitioners allege that before approaching this Court they submitted a detail representation dated 23.06.2023 (Annexure-3) to the District Commissioner, Sonitpur, Tezpur, ventilating their grievances. However, such representation has not evoked any response from the concerned authority. Learned counsel for the petitioners thus prays that interest of justice would be served by requiring the District Commissioner, Sonitpur, to objectively consider and dispose of the representation submitted by the petitioners within a stipulated time frame.

The prayer so made is justified. Thus, the petitioners are given the liberty to present a copy of this order to the District Commissioner, Sonitpur, Tezpur, who shall objectively consider and dispose of the pending representation of the petitioners by a speaking order, within a period of four weeks from the date of submission of the copy of this order.

In case any adverse order is passed, the petitioners shall be at liberty to take recourse to suitable remedy in accordance with law.

The PIL stands disposed of in the manner indicated above.

JUDGE

CHIEF JUSTICE

Comparing Assistant