

GAHC010221572023



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

Case No. : WP(C)/6199/2023

ABDUL HALIM AND ANR.
SON OF HAZI ABDUS SUKKUR,
RESIDENT OF VILLAGE- EAST BALIA,
P.O.- GHULCHERRA,
PS- NILAMBAZAR, DIST- KARIMGANJ,
ASSAM, PIN- 788720.

2: NAZRUL ISLAM
S/O- MAHBUBUR RAHMAN

RESIDENT OF VILLAGE- EAST BALIA

P.O.- GHULCHERRA

PS- NILAMBAZAR
DIST- KARIMGANJ

ASSAM
PIN- 788720

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER, PANCHAYAT AND RURAL
DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
GUWAHATI-22.

3:THE DISTRICT COMMISSIONER
KARIMGANJ DISTRICT

PO
PS AND DIST- KARIMGANJ

ASSAM.

4:THE SECRETARY
BINODINI GRAM PANCHAYAT
PO- BINODINI
PS- RAMKRISHNANAGAR

DIST.- KARIMGANJ
ASSAM.

5:SIDDEQUE AHMED
MLA
LA-4 SOUTH KARIMGANJ

RESIDENT OF VILLAGE- NAGARIA

P.O. BARALGRAM

DIST- KARIMGANJ
ASSAM

PIN- 788723

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 08-11-2023

Heard Mr. H.R. Choudhury, learned counsel for the petitioners; Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department for the respondent nos. 1, 2, 4 & 5; and Mr. H. Sharma, learned Additional Senior Government Advocate, Assam for the respondent no. 3.

2. The State Government in the Transformation & Development Department has conceived and formulated a scheme viz. 'Axom Adarxo Gram Yojana' for the purpose of development of villages and the scheme envisages for creation of model villages where good quality public services such as sanitation facilities, functional roads, drains, reliable electricity, clean drinking water, schools and healthcare institutions are planned to be provided to the citizens. The aim of the scheme is not only to provide infrastructure and quality last mile services delivery but also to empower the villages towards self-sustainable development. The scheme has provided for a procedure for selection of villages per Assembly Constituency and criteria for selection of revenue villages have been outlined in the said scheme. The scheme has also envisaged constitution of a District Level Committee as special institution for rigorous on-ground monitoring. It has also envisaged constitution of a Village Level Committee at the village level.
3. The two petitioners herein are residents of Village – Eral-IV, under Binodini Gaon Panchayat and Nilambazar Police Station, District – Karimganj.
4. It is averred that Village – Eral-IV has been brought under the purview of the scheme, 'Axom Adarxo Gram Yojana'. By a Notification dated 22.01.2022, the respondent no. 3 has constituted a District Level Committee for overall implementation of works in the selected villages of Karimganj under the scheme, 'Axom Adarxo Gram Yojana'. Thereafter, the respondent no. 3 has been informed by the respondent no. 4 on 23.02.2021 about constitution of two village level committees in respect of 2 [two] Gaon Panchayats – Gamaria Gaon Panchayat and Binodini Gaon Panchayat.
5. The two petitioners have instituted the present writ petition with the following prayers :-

[i] to show cause as to why the writ in the nature of Certiorari/Mandamus shall not be issued to set aside the impugned letter dated 18.07.2023 issued by the respondent no. 4 communicated to the respondent no. 5;

[ii] to show cause as to why the writ in the nature of Certiorari/Mandamus shall not be issued calling upon the respondent no. 6 that why the letter dated 01.06.2023 submitted to the respondent no. 3 violating the Guidelines of Axom Adarxa Gram Yojana; and

[iii] Direct the respondent no. 2 and 3 to implement the schemes in Eral-IV as a Adarsha Village and by holding Gram Sabha and by following other guidelines set up by the Guidelines.

6. The letter dated 18.07.2023 of the respondent no. 4, addressed to the Secretary, Binodini Gaon Panchayat, was about convening of a meeting of the Village Level Committee for consideration of the works proposed under the scheme, 'Axom Adarxo Gram Yojana' in respect of Village – Eral-IV under Binodini Gaon Panchayat by the Member of Legislative Assembly Constituency [LAC] – South Karimganj LAC. The works were proposed by the MLA [respondent no. 6] of South Karimganj LAC by the letter dated 01.06.2023, addressed to the respondent no. 3.

7. It is at this stage, the two petitioners have approached this Court by this writ petition assailing the letter dated 01.06.2023 and the letter dated 18.07.2023. The petitioners have not averred about any resolution passed by the concerned Village Level Committee on the list of proposed works submitted by the MLA, South Karimganj LAC. From the letter dated 18.07.2023, it emerges that a meeting of the Village Level Committee was to be convened to consider

the list of proposed works submitted under the scheme, 'Axom Adarxo Gram Yojana' for Village – Era-IV by the MLA, South Karimganj LAC. The petitioners are silent about any meeting convened after the letter dated 18.07.2023, not to speak of any resolutions passed by the Village Level Committee in respect of the list of proposed works submitted under the scheme, 'Axom Adarxo Gram Yojana' in respect of Village – Eral-IV by the MLA, South Karimganj LAC.

8. In view of the above fact situation, the writ petition is found to be premature and the same is not entertained. There shall be no order as to cost.

JUDGE

Comparing Assistant