

GAHC010004292014



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

Case No. : WP(C)/54/2014

MD. OSMAN ALI and 78 ORS
S/O LT. RUPA SHEIKH VILL- DEHARKURIHA

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6.

Linked Case : WP(C)/122/2015

MD. MASTAFA ALI and 80 ORS
S/O HAJIMUDDIN AHMED
R/O DEHERKURIA
P.S. HAJO
DIST- KAMRUP
ASSAM
ID NO.25522
SCORE NO16

VERSUS

THE STATE OF ASSAM AND 9 ORS
REP. BY THE PRINCIPAL AND SECY. TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVL. DEPTT.
DISPUR
GHY-6

For the petitioner (s) : Mr. P. C. Dey, Advocate [WP(C) No.54/2014]

Mr. J. I. Borbhuiya, Advocate
[WP(C) No.122/2015]

For the respondent (s) : Mr. J. I. Borbhuiya, Advocate
[WP(C) No.54/2014]

Mr. P. C. Dey, Advocate [WP(C) No.122/2015]

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

03.10.2023

Both the writ petitions are taken up together for disposal vide this common order.

2. 79 writ petitioners have filed WP(C) No.54/2014 challenging the order dated 18.12.2013 passed by the Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development (P&RD) Department whereby it was observed that the special Gram Sabha meeting would be held for selection of 83 numbers of Indira Awas Yojana (IAY) beneficiaries pertaining to the Saniadi GP under Hajo Development Block in presence of the representatives of Deputy Commissioner & Project Director, DRDA, Kamrup, BDO, Hajo Development Block & other concerned officials so that only genuine IAY beneficiaries are selected for the Government of India flagship programme strictly as per the relevant guidelines and instructions issued from time to time to meet the ends of justice.

3. It is the case of the writ petitioners in WP(C) No.54/2014 that the said order dated 18.12.2013 is perverse in as much as the report of the Project Director, District Rural Development Agency, Kamrup dated 25.10.2013 was not taken into consideration. The further case of the petitioners in the said writ petition is that the Project Director had given a report to the effect that out of the 83 beneficiaries who were selected, 79 beneficiaries were in order whereas the four beneficiaries were found not genuine and eligible. It is under such circumstances, the instant writ petition was filed and this Court vide an order dated 06.01.2014 directed that the special Gram Sabha meeting as had been proposed by the order dated 18.12.2013 may not be held in respect of 79 petitioners.

4. Subsequent to the said order dated 06.01.2014, a special Gram Sabha was held. The petitioners in WP(C) No.54/2014 initiated contempt proceedings. Pursuant thereto, the Project Director, DRDA, Kamrup issued a communication dated 19.08.2014 to the Commissioner, P&RD Department requesting to issue appropriate order declaring that the proceedings of the Gram Sabha held on 06.02.2014 as null and void taking into account that the said Gram Sabha was held in violation to the order passed by this Court on 06.01.2014. Further to that, vide another order dated 21.08.2014, the Commissioner, P&RD Department had written to the Principal Secretary to the Government of Assam, P&RD Department stating inter-alia that the proceedings of the Gram Sabha to the extent that it violates the order of this Court dated 06.01.2014 should not be given effect to. These two communications, i.e. the communication dated 19.08.2014 issued by the Project Director, DRDA, Kamrup as well as the communication dated 21.08.2014 issued by the Commissioner, P&RD

Department, Assam have been put to challenge in WP(C) No.122/2015 by 81 petitioners who claimed to have been in the select list as per the special Gram Sabha held pursuant to the order dated 18.12.2013.

5. Mr. J. Handique, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup submits that the said order dated 18.12.2013 has already lost its significance taking into account that the scheme for allotment of houses to IAY beneficiaries have already been abolished and the same has now been replaced by Pradhan Mantri Awas Yojana (PMAY). Mr. J. Handique, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup further submits that as per the new scheme, i.e. Pradhan Mantri Awas Yojana, the manner of selection of beneficiaries is not the same as was in the case of IAY beneficiaries, and as such, the order which has been challenged in WP(C) No.54/2014, i.e. date 18.12.2013 has already lost its force. Further to that, Mr. J. Handique, the learned counsel submits that even the list prepared in the special Gram Sabha meeting held on 06.02.2014 was under the IAY scheme, and as such, the same has also become redundant taking into account that the IAY scheme is no longer in existence.

6. Taking into account the above, as the IAY scheme is replaced by the PMAY scheme and the manner of selection of the beneficiaries is different as well as also the entitlements are different, it is the opinion of the Court nothing survives to be decided in respect to the impugned order dated 18.12.2013 as well as also the validity of the select list of the beneficiaries in the special Gram Sabha held on 06.02.2014 as the same had already become redundant.

7. Considering the above, this Court therefore, disposes of the instant

writ petitions holding that the impugned orders challenged in the writ petitions have already become redundant and thereby granting the liberty to the petitioners to approach the appropriate authority for redressal of their grievances as per the existing scheme, i.e. PMAY, if permissible as per the said scheme.

JUDGE

Comparing Assistant