

GAHC010234422023



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

Case No. : WP(C)/6258/2023

EJAR ALI AND 9 ORS
S/O- ABDUL MALUDDIN,
VILL. PADMAPUKHURI, AMINPARA,
P.S.- ROWTA, DIST.- UDALGURI (ASSAM),
PIN- 784508.

2: NUR ISLAM
S/O- RUSTAM ALI

VILL.- EKRA BARI (PART)
P.S.- UDALGURI
DIST.- UDALGURI
(ASSAM)
PIN- 784514.

3: SULTAN ALI
S/O- SADEK ALI

VILL- PADMAPUKHURI

P.S- UDALGURI
DIST.- UDALGURI
(ASSAM)
PIN- 784514.

4: JASMAT ALI
S/O- SULTAN ALI

VILL.- PADMAPUKHURI

P.S.- UDALGURI
DIST.- UDALGURI
(ASSAM)
PIN- 784514.

5: HEDAYET ULLAH
S/O- SUMAR ALI

VILL.- PADMAPUKHURI

P.S.- UDALGURI
DIST.- UDALGURI
(ASSAM)
PIN- 784514.

6: ASMAT ALI
S/O- SAGIR ALI

VILL.- PADMAPUKHURI

P.S.- UDALGURI
DIST.- UDALGURI
(ASSAM)
PIN- 784514.

7: SOFIQUL ISLAM
S/O- MADAN PARMANIK

VILL.- PADMAPUKHURI

P.S.- ROWTA
DIST.- UDALGURI(ASSAM)

PIN- 784508.

8: ASMAT ALI
S/O- SULTAN ALI

VILL.- PADMAPUKHURI

P.S.- ROWTA
DIST.- UDALGURI(ASSAM)

PIN- 784508.

9: SIDDIK ALI
S/O- ABDUL SALAM

VILL. NO. 2 MAJGAON

P.S.- DALGAON
DIST.- DARRANG (ASSAM)

PIN- 784116.

10: NUR MAHAMMAD
S/O- TUTA MIYA

VILL.- PADMAPUKHURI

P.S.- ROWTA
DIST.- UDALGURI(ASSAM)

PIN- 784508

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM,
PUBLIC HEALTH AND ENGINEERING DEPARTMENT,
DISPUR, GHY-6.

2:THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 783370.

3:THE DEPUTY COMMISSIONER
UDALGURI
BTR
ASSAM
PIN- 784509.

4:THE EXECUTIVE ENGINEER (PHE)
TANGLA DIVISION
TANGLA
DIST.- UDALGURI
BTR

PIN- 784521.

5:THE CIRCLE OFFICER
UDALGURI REVENUE CIRCLE
P.S. AND DIST. UDALGURI
ASSAM

PIN- 784509

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 18/10/2023

Heard Mr. A.R. Bhuyan, learned counsel for the writ petitioners. Also heard Mr. S. Bora, learned Standing Counsel, BTC, appearing for the respondent nos. 2, 4 & 5, Ms. M.Kalita, learned Standing Counsel, PHE Department, Assam, appearing for the respondent no.1 and Ms. M. Barman, learned Government Advocate, Assam, appearing for the respondent no. 3.

The writ petitioners herein are the residents of Padumpukhuri Uttar Chuba of Udalguri (BTR) District and are the beneficiaries of a Piped Water Supply Scheme to be constructed under the Jal Jeevan Mission. According to the petitioners, a plot of land in Padumpukhuri Dakhin Chuba under Tangla PHE Division, has already been ear-marked for construction of the scheme. However, at the instance of some persons with vested interest, the scheme is now proposed to be constructed at Padumpukhuri "Dakhin Chuba" instead of "Uttar Chuba". According to the petitioners, if the scheme is shifted, they would be unduely deprived of the benefit of the Jal Jeevan Mission scheme.

Ventilating their grievance, the petitioners had submitted representation dated 12/09/2023 before the District Commissioner, Udalguri i.e. the respondent no. 3 herein. However, alleging that no action has been taken by the respondent no. 3 to consider the said representation, the instant writ petition has been filed.

If there was an earlier decision to construct the scheme at Uttar Chuba of Padumpukhuri, then unless there is a justifiable ground to shift the same to another location, the residents of the locality may have a genuine grievance, which deserves to be looked into by the concerned authority.

Mr. S. Bora, learned Standing Counsel, BTC submits that if an order is passed by this Court, the respondent no. 3 would examine the grievance raised in the representations submitted by the petitioners and take appropriate action in the matter, as may be warranted in the facts of the case.

In view of the above, without expressing any opinion, whatsoever, on the merit of the claim made in the writ petition, this writ petition stands disposed of by providing that the respondent no. 3

may look into the grievance of the petitioners as raised in the representation dated 12/09/2023 (Annexure-11) and take appropriate action in the matter, as may be merited in the facts and circumstances of the case.

Whatever be the decision, the same be communicated to the petitioners within four weeks from the date of receipt of a certified copy of this order along with a fresh copy of the representation dated 12/09/2023.

With the above observations, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant