

GAHC010007062024



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

Case No. : PIL/4/2024

DIGANTA SAIKIA
S/O- SRI AMBESWAR SAIKIA,
R/O- AMGURI NAGAR, WARD NO. 4,
P.O. AMGURI, P.S.- AMGURI,
DIST- SIVASAGAR, ASSAM,
PIN- 785680.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HOME AND POLITICAL DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM.

2:THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06
ASSAM.

3:THE MANAGING DIRECTOR
ASSAM URBAN WATER SUPPLY AND SEWERAGE BOARD
GUWAHATI- 781005.

4:THE DEPUTY COMMISSIONER
SIVASAGAR
DIST.- SIVASAGAR
ASSAM
PIN- 785640.

5:THE SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION

ASSAM
SIMANTAPUR
GUWAHATI-22.

6:THE SUPERINTENDENT OF POLICE
SIVASAGAR
DIST.- SIVASAGAR
ASSAM
PIN- 785640.

7:THE OFFICER-IN-CHARGE
SIVASAGAR POLICE STATION
SIVASAGAR
ASSAM
PIN- 785640

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 14/06/2024
Suman Shyam, J

Heard Mr. P. Bordoloi, learned counsel for the petitioner. Also heard Mr. D. Nath, learned senior Government Advocate, Assam, appearing for the State, who submits that in terms of the order dated 29/05/2024, an affidavit on behalf of the respondent no. 4 has been filed on 07/06/2024. The said affidavit is on record.

In the PIL, the basic allegation is to the effect that there has been large scale misappropriation of Government fund allocated for the purpose of construction of Water Supply Scheme by the Sivasagar and Amguri Municipality under Sivasagar District.

It appears that after institution of the PIL, an enquiry was conducted whereafter, the Inquiry Officer Sri Subhajit Khound, ACS, Assistant Commissioner & Executive Magistrate, Sivasagar, has submitted enquiry report dated 26/02/2024 pertaining to Amguri Municipality and report dated 19/03/2024 pertaining to Sivasagar Municipality. On the query of this Court as to what further action

has been taken in the matter pursuant to those enquiry reports, the response of the State has been brought on record in the form of the affidavit dated 07/06/2024 wherein, the following statement has been made in para 6, which is reproduced herein below for ready reference :-

“6. *That the deponent states that after receipt of the enquiry report conducted by Shri Subhajit Khound, ACS, Assistant Commissioner & Executive Magistrate, Sivasagar by its letter dated 16/05/2024 informed that necessary action has been initiated after receipt of the reports by the Investigating Authority by adding section 409 IPC in addition to the section 406/420/468/34 IPC in Amguri P.S. case No. 32/2024 and the investigation of the case is going on.*”

From the above, it is clear that law has taken its own course in the matter and the investigation is also proceeding in the matter, in accordance with law.

As such, this Court is of the opinion that the purpose of instituting this PIL has been met and nothing further survives to be decided in this proceeding at this point of time. Mr. P. Bordoloi, learned counsel for the petitioners and Mr. D. Nath, learned Senior Government Advocate, Assam, have also fairly agreed to the said proposition.

In view of the above, we close this PIL with the hope and expectation that the authorities would proceed in the matter, in accordance with law and bring it to its logical conclusion, without undue delay.

JUDGE

JUDGE

sukhamay

Comparing Assistant