

GAHC010010682019



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

Case No. : WP(C)/420/2019

TEZPUR IDDGAH COMMITTEE AND ANR.
HAVING ITS OFFICE AT TEZPUR AND REP. BY ITS SECRETARY, I.E.
PETITIONER NO.2.

2: MD. AZAZ HUSSAIN

S/O. LT. SEIKH TAZUDDIN
R/O. BARIKA SUBURI
TEZPUR
P.O. AND P.S. TEZPUR
DIST. SONITPUR
ASSAM SECRETARY OF TEZPUR IDDGAH COMMITTEE

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY, GOVT. OF ASSAM, DEPTT.
OF REVENUE, DISPUR, GUWAHATI-06, DIST. KAMRUP (M), ASSAM.

2:THE DEPUTY COMMISSIONER

OFFICE OF THE DY. COMMISSIONER
SONITPUR
DIST. SONITPUR
PIN-784105
ASSAM.

3:SRI NILAKSHYA SARMA
S/O. SRI BHUPEN SARMA
R/O. LDS ROAD (GARUWANPATTY)
TEZPUR TOWN
P.O. AND P.S. TEZPUR
DIST. SONITPUR
ASSAM

For the petitioner (s) : Mr. S. Ali, Advocate

For the respondent (s) : Ms. N. Bordoloi, Advocate
Ms. S. Sarma, Govt. Advocate
Mr. G. Choudhury, Advocate

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

08.08.2024

Heard Mr. S. Ali, the learned counsel appearing on behalf of the petitioners. Ms. N. Bodoloi, the learned counsel appears on behalf of the respondent No.1; Ms. S. Sarma, the learned counsel appears on behalf of the respondent No.2 and Mr. G. Choudhury, the learned counsel appears on behalf of the respondent No.3.

2. The petitioners in the instant proceedings are aggrieved by the use of the word "Chitrabon Bakori" in the field which has been reserved for Tezpur Iddgah Committee for the purpose of Idd prayers. It is also seen that this land is situated in Dag Nos.1828 & 1829 under Mouza-Mahabhairaba and the said land is a Sarkari Khas land and to remain in the custody of the Deputy Commissioner, Darrang who will whenever necessary give permissions for games, holding social and public functions etc. This aspect of the matter can be clearly seen from the order passed by the Division Bench of this Court dated 25.11.2016 in PIL No.100/2015.

3. The petitioners herein are aggrieved that in the permission so granted on 14th of August, 2017 for the purpose of hosting the National Flag on the 15th of August, 2017 to a Samiti in the name and style of

“Bharat Mata Uzan Samiti”, the Deputy Commissioner, Sonitpur has used the word “Iddgah Field” (Chitrabon Bakori) and submitted a representation not to use the word “Chitrabon Bakori” with the Iddgah Field.

4. This Court has put a question to the learned counsels appearing on behalf of the parties as to what the term “Chitrabon Bakori” means. It has been submitted that the term implies a beautiful courtyard.

5. Be that as it may, this Court finds that the land in question has only been reserved in the name of Tezpur Iddgah Committee, but not yet allotted. It still remains a Government Khas land and taking into account the order passed by the Division Bench, this Court finds no reason to entertain the instant writ petition wherein a question is raised as to whether the Iddgah Field should also be referred to as Chitrabon Bakori. This aspect would also require evidence to be taken. The petitioners if so aggrieved are always at liberty to approach the competent Court of civil jurisdiction in that regard.

6. In view of the above, the instant writ petition stands disposed of.

7. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant