

GAHC010033322024



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

Case No. : WP(C)/823/2024

NUR MOHAMMAD @ MOHAMMAD ALI
S/O- LATE BILAT ALI, VILL.- SUAPATA PT.-III, P.O. SUAPATA , P.S.
BILASIPARA, DIST. DHUBRI ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 14 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, DISPUR,
GHY-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GHY-06.

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GHY-06.

4:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM

5:THE SUB-DIVISIONAL OFFICER (CIVIL)
BILASIPARA
DIST. DHUBRI
ASSAM

6:THE CIRCLE OFFICER
BILASIPARA REVENUE CIRCLE
BILASIPARA

P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM

7:THE DHUBRI ZILLA PARISHAD
REP. BY CHIEF EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD
ASSAM

8:THE PRESIDENT
DHUBRI ZILLA PARISHAD
DIST. DHUBRI
ASSAM

9:THE NAYERALGA ANCHALIK PANCHAYAT
REPRESENTED BY ITS PRESIDENT
NAYERALGA ANCHALIK PANCHAYAT
BILASIPARA
DIST. DHUBRI
ASSAM

10:THE EX- OFFICIO EXECUTIVE OFFICER

NAYERALGA ANCHALIK PANCHAYAT
BILASIPARA CUM BLOCK DEVELOPMENT OFFICER
NAYERALGA DEVELOPMENT BLOCK
BILASIPARA DIST. DHUBRI
ASSAM.

11:THE SECRETARY KAZAIKATA-SUAPATA GAON PANCHAYAT
P.O-KAZAIKATA P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348.

12:THE PRESIDENT
KAZAIKATA-SUAPATA GAON PANCHAYAT

P.O-KAZAIKATA P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348.

13:THE EXECUTIVE ENGINEER
INLAND WATER TRANSPORT DIVISION

ULUBARI
GHY-07.

14:NURUL ISLAM
S/O- DILU MONDAL
VILL- SUAPATA PT-III
P.O- SUAPATA
P.S-BILASIPARA
DIST. DHUBRI ASSAM

PIN- 783348

15:ABDUL WAHAB
S/O- LT. ASMOT ALI
VILL- JAHANAPATHAR
P.O- RAMAPARAPAN
P.S- BHAGBAR
DIST. BARPETA
ASSAM

PIN- 78130

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

13.03.2024

1. Heard Mr. M.U. Mondal, learned counsel for the petitioner and Ms. M.D. Borah, learned counsel for the Transport Department.

2. Mr M.U. Mondal submits that as per the Letter dated 25.06.2021 issued by the Circle Officer, Bilasipara Revenue Circle (respondent No.6), the Suapata Part III Katakhal Ghat, which has been settled with the respondent Nos. 14 and 15, is situated in Dag No. 316 and 317. The petitioner's case is that he is the owner of Dag No.317 as per the said letter dated 25.06.2021 issued by the respondent

No.6. He accordingly submits that the settlement of the Ghat in pursuance to the NIT dated 03.03.2023 and consequential orders should be set aside, as it pertains to his land.

3. The petitioner's counsel further submits that the Suapata Part III Katakhal Ghat has been settled by the Executive Engineer, Inland Water Transport Division, Ulubari vide the Letter dated 17.01.2024.

4. Ms. M.D. Borah has submitted letter No. EWT/FS/278/S Pt-III/2023-24/2547 dated 12.03.2024 issued by the Executive Engineer, Inland Water Transport Division, Ulubari, Guwahati-7, which is to the effect that the embarkation and disembarkation point of Suapata Pt-III Ferry Service can be shifted, so that no private land is effected.

5. In view of the above letter dated 12.03.2024, which is made a part of the record and marked as Annexure-X, the respondents are directed to make a verification of the area and ensure that the embarkation and disembarkation point of Suapata Pt-III Ferry Service is taken out from the land of the petitioner.

6. The last paragraph of the letter dated 12.03.2024 is re-produced herein-below as follows :

“Regarding the notification of a ferry service on a private land, it is to be mentioned here that a no objection certificate was received from the President of the Bahir Suapata Gaon Panchayat vide letter No. BSPGP/16/NOC/2022-24/13, Dt. 14-09-2023. Also, as per Section 13 of Northern India Ferries Act' 1878, boundary of a notified ferry service is 2 (two) miles (3.2 km) from the notified point. So, if the embarkation and disembarkation point of Suapata Pt-III ferry service is shifted to 3.2 KM

from the original notified point, no private land will be hampered.”

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant