

GAHC010097842022



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

Case No. : WP(C)/3401/2022

TARIKUL ALI CHOUDHURY AND ANR.
S/O. LT. ERADAT ALI CHOUDHURY, R/O. SATIJOYMOTI ROAD, ATHGAON,
HOUSE NO.5, GUWAHATI-1, DIST. KAMRUP (M), ASSAM.

2: MD. MURTAZA
S/O. LT. MD. ISLAM R/O. S.C. BYE LANE
HOUSE NO.39
ATHGAON
GUWAHATI-01

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME AND POLITICAL DEPTT., DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER

KAMRUP (M)
GUWAHATI-01

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 12.06.2024

Heard Mr. L. Sangtam, learned counsel for the petitioners. Also heard Mr. M. Chetia, learned Government Advocate for the State respondents.

By filing the instant writ petition under Article 226 of the Constitution of India, the petitioners who are members of the earlier office bearers of the Guwahati Kabarsthan Committee has filed the instant petition under Article 226 of the Constitution of India seeking direction inter-alia to allow the said earlier committee of Guwahati Kabarsthan, Athgaon to work as the office bearers of Guwahati Kabarsthan and to manage the affairs of the Guwahati Kabarsthan.

The facts of the case is that members of the earlier committee of the Guwahati Kabarsthan Committee, by letter dated 22.03.2022 filed an application before the Deputy Commissioner, Kamrup (M), seeking intervention of the office of the District Commissioner to allow the old Executive Body of the Guwahati Kabarsthan to run and function till a new committee is formed.

It is submitted at the bar that a title suit as regards the formation of the new committee is pending adjudication in TS No. 379/2021 before the Court of Civil Judge No. 1, Kamrup (M).

Mr. M. Cheita, learned Government Counsel, submits a copy of the instruction received vide letter dated 08.04.2024, to the effect that the

State respondents due to the pendency of the civil litigation before the Civil Judge No. 1, Kamrup (M), no action could be initiated on the application filed by the General Secretary, Guwahati Kabarsthan Committee dated 22.03.2022.

I have perused the aforesaid instruction placed before this Court.

It further appears that the Circle Officer, Guwahati Revenue Circle was directed to cause an enquiry into the matter and submit report which is also enclosed in the said instruction placed before this Court. A copy of the said instruction is kept on record and marked as 'X'.

Be that as it may, it appears that as regards the issue of formation of new committee, a dispute is pending for adjudication before the Civil Court. Unless and until the aforesaid dispute is adjudicated by the competent Court, the prayer sought in this writ petition in the opinion of this Court cannot be granted, in as much as the disputed question of facts have been raised in this petition, which otherwise is pending for adjudication in the Civil Court.

Hence, the writ petition is not maintainable.

Accordingly, the writ petition stands dismissed.

No cost.

JUDGE

Comparing Assistant