

GAHC010120452024



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

Case No. : WP(C)/3154/2024

SANJAY KUMAR DAS

S/O- LATE SIBA NATH DAS, R/O- CHANDANPUR, WARD NO. 8, BARPETA
ROAD TOWN, P.O. BARPETA ROAD, P.S. BARPETA ROAD, DIST. BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, WATER RESOURCES DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
BASISTHA GUWAHATI-781029
DIST. KAMRUP(M)
ASSAM

4:THE SUPERINTENDING ENGINEER
LOWER ASSAM CIRCLE
WATER RESOURCES DEPARTMENT
CHANDMARI
GUWAHATI-781003
DIST. KAMRUP(M)
ASSAM

5:THE EXECUTIVE ENGINEER
BONGAIGAON WATER RESOURCES DIVISION

WATER RESOURCES DEPARTMENT
BORPARA
BONGAIGAON
ASSAM
PIN- 783380.

6:LAKSHMI KANTA BARMAN
THE THEN ASSISTANT EXECUTIVE ENGINEER
CHAPAR INVESTIGATION SUB-DIVISION
WATER RESOURCES DEPARTMENT
CHAPAR CUM ENQUIRY OFFICER

Advocate for the Petitioner : MR. J I BORBHUIYA, MRS. K H CHOUDHURY, MR. L MOHAN

Advocate for the Respondent : SC, WATER RESOURCE,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

02.08.2024

Heard Shri J.I. Barbhuiya, learned counsel for the petitioner. Also heard Shri R.M. Das, learned Standing Counsel, Water Resource Department.

Shri Das, the learned Standing Counsel has referred to the earlier order dated 17.07.2024 on the issue of the objection raised on the maintainability of the writ petition which is hit by the principles of *res judicata*.

Shri J.I. Barbhuiya, learned counsel however submits that an issue has been raised in this case on the validity of the departmental proceeding itself.

In the considered opinion of this Court, the said issue can also be decided in the pending writ petition being WP(C)/3583/2024 in which notices has been issued and records have been called for.

In view of the above, this Court is of the opinion that separate petition is

not required or even maintainable.

Writ petition accordingly stands closed.

The petitioner would be at liberty to take additional grounds of challenge if required by filing additional affidavit.

JUDGE

Comparing Assistant