

GAHC010129592024



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

Case No. : WP(C)/3315/2024

JOHIRUL ISLAM
S/O LATE KOBAB ALI SK,
RESIDENT OF SUAPATA PART III ,PO AND PS BILASIPARA DIST DHUBRI
ASSAM 783348

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, DISPUR
GUWAHATI 06

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

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR GUWAHATI 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
DIST DHUBRI ASSAM

7:THE DHUBRI ZILLA PARISHAD
REPRESENTED BY CHIEF EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD ASSAM

8:THE EX OFFICIO EXECUTIVE OFFICER

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

9:THE SECRETARY
KAZAIKATA SUAPATA GAON PANCHAYAT
PO KAZAIKATA
PS BILASIPARA
DIST DHUBRI
ASSAM 783348

10:THE TAX COLLECTOR /R.M
KAZAIKATA SUAPATA GAON PANCHAYAT
PO KAZAIKATA
PS BILASIPARA
DIST DHUBRI
ASSAM 783348

11:MANNAT ALI
S/O AJAYUDDIN
VILLAGE SUAPATA PART III
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM 78334

For the petitioner (s) : Ms. N. Nasrin, Advocate

For the respondent (s) : Mr. S. Dutta, SC P&RD Dept.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

17.07.2024

The instant writ petition has been filed by the petitioner being aggrieved by the issuance of a communication issued by the Tax Collector/R.M. Kazaikata Suapata Gaon Panchayat whereby the petitioner was debarred from collecting taxes for and on behalf of the Tax Collector and one Mannat Ali was permitted to do so w.e.f. 12.06.2024.

2. Mr. S. Dutta, the learned counsel appearing on behalf of the P&RD Department submits that the said Ferry Ghat being Saupata Part-III is no longer under the jurisdiction and authority of the P&RD Department and it has been declared vide the notification dated 15.12.2023 issued by the Secretary to the Government of Assam, Transport Department to come within the ambit of the Inland Water Transport, Assam. He further placed on record the notification dated 15.12.2023 as well as also a communication issued by the Chief Executive Officer of the Zilla Parishad, Dhubri dated 08.02.2024 wherein there was a direction issued to the B.D.O. cum Executive Officer, Nayeralga Anchalik Panchayat to handover the said Ferry Ghat to the Assistant Executive Engineer of the Inland Water Transport Sub-Division, Dhubri. The said communications are kept on record and marked with the letters "X" and "Y" respectively.

3. On the basis of the above, the learned Standing Counsel, P&RD Department submits that the instant writ petition has become infructuous.

4. This Court upon taking into consideration that the P&RD Department has no longer any authority over the said Saupata Part-III Ferry Services, the impugned order by which the petitioner has been debarred by the Tax

Collector has become redundant in as much as it is now the Inland Water Transport of the Government of Assam who controls the Ferry Ghats.

5. Under such circumstances, nothing further remains to be decided in the instant writ petition for which the instant writ petition stands closed.

JUDGE

Comparing Assistant