

GAHC010144432022



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

Case No. : WP(C)/4816/2022

MADHURAM BAISHYA
S/O- LATE KHARGESWAR BAISHYA,
R/O- VILLAGE KHUTABARI KAORIDOOI TELIPARA,
P.S- DHUPDHARA,
DIST- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR, GUWAHATI-781006

2:THE DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT
JURIPAR
GUWAHATI

3:THE DEPUTY COMMISSIONER
P.O
P.S AND DIST- GOALPARA
ASSAM

4:THE BLOCK DEVELOPMENT OFFICER
CUM EXECUTIVE OFFICER

RANGJULI DEVELOPMENT BLOCK
RANGJULI

DIST- GOALPARA
ASSAM

5:THE SECRETARY
KHUTABARI
GAON PANCHAYAT

GOALPARA
ASSA

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.02.2024

1. Heard Mr. H. Das, learned counsel for the petitioner. Also heard Ms. N. Bora, learned Standing Counsel, P&RD appearing for the respondent Nos. 1, 2, 4 and 5. Mr. S.R. Baruah, learned Jr. Government Advocate appears for the respondent No.3.
2. By filing the writ petition the petitioner is seeking a direction to the respondent authorities to extend the benefits of Indira Awas Yojana house to the petitioner as a shortlisted candidate.
3. Mr. H. Das, learned counsel for the petitioner submits that though the petitioner was enlisted at Sl. No.326 (Annexure-2 at Page 13 of the writ petition) in the priority list for allotment of house under the PMAY-G House, subsequently, his name was deleted from the priority list.
4. Ms. N. Bora, learned Standing Counsel, P&RD submits that there was a complaint by one Lankeswar Nath and Girin Nath to the effect that the petitioner was a rich man and not entitled for the benefit under the scheme.

She further submits that based on the said complaint, his name was deleted from the list of beneficiaries.

5. I have heard the submissions made at the bar and perused the materials available on record.

6. It appears from the affidavit-in-reply filed by the petitioner that pursuant to his name being deleted from the list of beneficiaries under the PMAY-G House Scheme, the petitioner filed an application through RTI seeking information as regards the details of the complaint based on which his house allotment was rejected.

7. In reply to the said RTI application, the Secretary, Khutabari Gaon Panchayat by letter dated 12.02.2024 (Annexure-10 at Page 75 to the said affidavit-in-reply) informed that though a complaint was received from one Bhairab Kalita, but the same was not signed in paper. It further appears from the aforesaid letter, that the Secretary, Khutabari Gaon Panchayat was of the opinion that the reason as regards the financial condition of the petitioner is not valid and that upon visiting the residence of the petitioner, it was found that he has one kutcha house and is a poor villager and therefore, eligible for the subject scheme for allotment of house.

8. That being so, this Court is of the opinion that the deletion of the name of the petitioner from the list of beneficiaries under the subject scheme was done mechanically on receiving a complaint without holding any inquiry.

9. In view of the same, this Court directs the respondent No.4 to hold an inquiry as regards the entitlement of the petitioner to the allotment of house under the PMAY-G House Scheme after giving full opportunity of hearing to the petitioner and thereafter, pass appropriate orders. In the event the petitioner is

found to be entitled for allotment of house under the subject scheme, the respondent authorities are directed to do the needful immediately.

10. It is needless to clarify that the exercise should be completed within a period of 2 months from the date of receipt of the order.

11. Let the petitioner furnish a certified copy of this order to the respondent No. 4 for doing the needful.

12. With the aforesaid direction and observation, the writ petition stands disposed of.

13. Be it be clarified that the aforesaid decision is taken on the peculiar facts of this case and shall not have any binding whatsoever in any other proceedings.

JUDGE

Comparing Assistant