

GAHC010148112023



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

Case No. : WP(C)/4121/2023

NAMITA HAZARIKA
W/O- LOKNATH BORA, RESIDENT OF BATADRABA SARUHISA, P.O. AND
P.S. BATADRABA, NAGAON, ASSAM, DISTRICT- NAGAON, ASSAM, PIN-
782122

VERSUS

THE STATE OF ASSAM AND 15 ORS
REP. BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM, DISPUR, GHY-
06

2:THE COMMISSIONER SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
GOVT. OF ASSAM
JURIPAR
PANJABARI
GUWAHATI-6
ASSAM

3:THE DEPUTY COMMISSIONER
NAGAON
ASSAM
P.O. AND P.S. NAGAON
PIN- 782001

4:THE CHIEF EXECUTING OFFICER
NAGAON ZILA PARISHAD
ASSAM
P.O. AND P.S. NAGAON
PIN NO. 782001

5:CIRCLE OFFICER

DHUNG REVENUE CIRCLE
NAGAON
P.O. AND P.S. DHING
NAGAON
PIN- 782123

6:BLOCK DEVELOPMENT OFFICER
BATARDAVA DEVELOPMENT BLOCK
NAGAON PIN NO. 782122

7:SECRETARY
BATADRABA SATRA GAON PANCHAYAT
P.O. AND P.S. BATADRABA
PIN- 782122

8:SRI JAYANTA KUMAR BARUA
WARD MEMBER
WARD NO.8
BATADRABA SATRA GAON PANCHAYAT
NAGAON
782122

9:MD. SUN SARKAR
WARD MEMBER
WARD NO.10
BATADRABA SATRA GAON PANCHAYAT
NAGAON
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10:BIPUL CHANDRA KAR
WARD MEMBER
WARD NO.5
BATADRABA SATRA GAON PANCHAYAT
NAGAON
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11:FARHANA YESMIN ANSARI
WARD MEMBER
WARD NO.1
BATADRABA SATRA GAON PANCHAYAT
NAGAON
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12:RAMISA KHATUN
WARD MEMBER
WARD NO.2
BATADRABA SATRA GAON PANCHAYAT
NAGAON

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13:MINARA KHATUN
WARD NO.3
BATADRABA SATRA GAON PANCHAYAT
NAGAON
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14:BIKASH KALITA
WARD MEMBER
WARD NO.4
BATADRABA SATRA GAON PANCHAYAT
NAGAON
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15:DULU KALITA
WARD MEMBER
WARD NO.6
BATADRABA SATRA GAON PANCHAYAT
NAGAON
782122

16:TANUJ BARUA
WARD MEMBER
WARD NO.7
BATADRABA SATRA GAON PANCHAYAT
NAGAON
78212

Advocate for the Petitioner : MR. N J GOGOI

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

05.02.2024

Heard Mr. N.J. Gogoi, learned counsel for the petitioner; Mr. B.J. Talukdar, learned senior counsel assisted by Mr. P.K. Medhi, learned counsel for the respondent nos. 1, 3 & 5; and Mr. N.K. Dev Nath, learned Standing Counsel, Panchayat & Rural Development [P&RD]

Department for the respondent nos. 2, 4, 6 & 7.

2. The petitioner at the time of filing the writ petition, was serving as the President of Batadraba Satra Gaon Panchayat [‘the Gaon Panchayat’, for short]. It is the case of the petitioner that the petitioner had submitted a Representation alleging commission of a number of anomalies in allotment of PMAY houses, etc. within the area of the Gaon Panchayat. On receipt of the complaint, the Additional Deputy Commissioner, Nagaon, O/o the Deputy Commissioner, Nagaon vide his letter dated 26.04.2023 [Annexure-5] directed the Circle Officer, Dhing Revenue Circle [the respondent no. 5] to cause an enquiry and submit a report within 10 [ten] days from 26.04.2023. The petitioner has approached this Court by the instant writ petition seeking *inter alia* direction to the respondent authorities to complete the enquiry and to submit a report as regards the allegations highlighted in the complaint regarding allotment of PMAY houses and misuse of PMAY fund.

3. Mr. Talukdar, learned senior counsel appearing for the respondent nos. 1, 3, & 5 and Mr. Dev Nath, learned Standing Counsel, P&RD Department have submitted that the term of the Gaon Panchayat is already over and the petitioner is no longer serving as the President of Batadraba Satra Gaon Panchayat. They have further submitted that be that as it may, since an enquiry has already been directed vide letter dated 26.04.2023, this writ petition can be disposed of by directing the respondent no. 3 and the respondent no. 4 to complete the enquiry initiated by the letter dated 26.04.2023.

4. Mr. Gogoi, learned counsel for the petitioner has agreed to the said submission of Mr. Talukdar and Mr. Dev Nath.

5. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent no. 3 and the respondent no. 4 to complete the enquiry, already directed by the letter dated 26.04.2023, as expeditiously as possible, preferably within a period of 2 [two] months from the date of receipt of a certified copy of this order at the office of the respondent no. 3. It is

accordingly ordered. It is further observed that the outcome of the said enquiry process shall be informed to the petitioner forthwith thereafter.

JUDGE

Comparing Assistant