

GAHC010162352022



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

Case No. : PIL/55/2022

DULENDRA CHANDRA DAS
S/O. LT. DEBENDRA CHANDRA DAS,
PERMANENT R/O. VILL. SRIPUR PART-I,
P.O. FULBARI, P.S. KATIGORAH,
DIST. CACHAR, ASSAM, PIN-788802.

VERSUS

1. THE STATE OF ASSAM AND 13 ORS
TO BE REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-06.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
JURIPAR PANJABARI GUWAHATI-37.

3:THE SUPDT. OF POLICE
CHIEF MINISTER/S SPECIAL VIGILANCE CELL ASSAM
SWATANTRA SENANI BHAWAN RUPNAGAR GUWAHATI-32.

4:THE DEPUTY COMMISSIONER CACHAR
P.O. AND P.S. SILCHAR DIST. CACHAR
ASSAM PIN-788006.

5:THE CHIEF EXECUTIVE OFFICER,
CACHAR ZILLA PARISHAD,
P.O. P.S. SILCHAR DIST. CACHAR,
ASSAM PIN-788001.

6:THE BLOCK DEVELOPMENT OFFICER
KATIGORAH DEVELOPMENT BLOCK
P.O. KATIGORAH DIST. CACHAR PIN-788805.

7:THE SECRETARY
FULBARI GAON PANCHAYAT
P.O. FULBARI P.S. KATIGORAH
DIST. CACHAR ASSAM PIN-788802.

8:THE GRAM ROJGAR SAHAYAK (GRS)
FULBARI GAON PANCHAYAT
P.O. FULBARI P.S. KATIGORAH
DIST. CACHAR ASSAM PIN-788802.

9:IKBAL AHMED BARBHUIYA
PRESIDENT OF FULBARI GAON PANCHAYAT
P.O. FULBARI P.S. KATIGORAH
DIST. CACHAR ASSAM PIN-788802.

10:ATAR ALI
THE THEN G.P. SECRETARY OF FULBARI GAON PANCHAYAT
C/O. OFFICE OF THE SECRETARY
FULBARI GAON PANCHAYAT
P.O. FULBARI P.S. KATIGORAH
DIST. CACHAR ASSAM PIN-788802.

11:DEBASISH DAS
THE THEN G.P. SECRETARY OF FULBARI GAON PANCHAYAT
C/O. OFFICE OF THE SECRETARY
FULBARI GAON PANCHAYAT
P.O. FULBARI P.S. KATIGORAH
DIST. CACHAR ASSAM PIN-788802.

12:SUJA HUSSAIN MAZUMDER
THE THEN I/C BLOCK DEVELOPMENT OFFICER OF KATIGORAH
DEVELOPMENT BLOCK, PRESENTLY POSTED AS EXTENSION OFFICER
(CREDIT) SAPEKHATI DEVELOPMENT BLOCK CHARAIDEO.

13:AJOY PRASAD KANOO
THE THEN RD ACCOUNTANT
C/O. BLOCK DEVELOPMENT OFFICER OF KATIGORAH DEVELOPMENT
BLOCK P.O. KATIGORAH DIST. CACHAR ASSAM PIN-788805.

14:NIZAM UDDIN LASKAR
THE THEN RD ACCOUNTANT
C/O. BLOCK DEVELOPMENT OFFICER OF KATIGORAH DEVELOPMENT
BLOCK, P.O. KATIGORAH DIST. CACHAR
ASSAM PIN-788805

For the Petitioner : Mr. N.H. Barbhuiya, Advocate.
For the Respondent(s) : Mr. S. Dutta, Standing Counsel, Panchayat and Rural Development Department.
: Ms. S. Konwar, Junior Government Advocate, Assam for respondent Nos.3 & 4.
: Mr. F.U. Barbhuiya, Advocate for respondent Nos.13 & 14.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

08.05.2024

(Vijay Bishnoi, CJ)

Office has reported that no steps have been taken for service of notice upon the respondent Nos.10 and 11.

Mr. N.H. Barbhuiya, learned counsel appearing for the petitioner has submitted that the respondent Nos.10 and 11 have now been retired and he is not aware about the present address of the said respondent.

This writ petition in the design of Public Interest Litigation (PIL) is filed by the petitioner raising a grievance that the respondent authorities are doing several irregularities in conducting the MGNREGA (Mahatma Gandhi Rural Employment Guarantee ACT) works for the financial years 2018-2019, 2019-2020, 2020-2021 and 2021-2022 under Katigorah Development Block of Cachar District. It is the allegation of the petitioner that the respondents are misappropriating the Government funds.

Having gone through the contents of the writ petition, it appears that earlier also the petitioner has filed PIL No.8/2021, raising same concern and this Court vide order dated 22.02.2021 has disposed of the said PIL petition with a direction to the Principal Secretary to the Government of Assam, Panchayat and rural Development Department (PNRD) to take cognizance of the matter, and after hearing the petitioner

and other concerned persons take appropriate action by way of passing speaking order.

As per the petitioner, when the said direction has not been complied with despite a representation is filed on behalf of the petitioner, he moved a contempt petition in which the Principal Secretary has submitted that an enquiry was conducted and six officials were involved in the misappropriation of funds against whom appropriate action is being taken in accordance with law.

From the record, it appears that the Chief Minister's Special Vigilance Cell, Assam has also issued direction for registration of FIR against the guilty persons.

Having taken note of the above facts, we are of the view that if the grievances of the petitioner still has not been redressed, he is free to approach the concerned authority for redressal of his grievances. It is expected that if any such representation is filed by the petitioner, the concerned authority shall take cognizance of the same and initiate appropriate proceedings in accordance with law.

With these observations, this writ petition (PIL) is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant