

GAHC010172502024



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

Case No. : WP(C)/4303/2024

ATOWAR RAHMAN AND 2 ORS.

S/O- RAJAB ALI, R/O- OUDUBI PART-I, P.O. KHELUAPARA, P.S. JOGIGHOPA,
DIST. BONGAIGAON, ASSAM

2: RAMJAN ALI

S/O- RAJAB ALI

R/O- OUDUBI PART-I

P.O. KHELUAPARA

P.S. JOGIGHOPA

DIST. BONGAIGAON

ASSAM

3: ABU BAKAR SIDDIQUE

S/O- RAJAB ALI

R/O- OUDUBI PART-I

P.O. KHELUAPARA

P.S. JOGIGHOPA

DIST. BONGAIGAON

ASSA

VERSUS

THE STATE OF ASSAM AND 8 ORS

TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY

GOVT. OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

DISPUR

GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY

PUBLIC WORKS DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DISTRICT COMMISSIONER
BONGAIGAON
DIST. BONGAIGAON
ASSAM

5:THE DISTRICT DEVELOPMENT COMMISSIONER
BONGAIGAON
DIST. BONGAIGAON
ASSAM

6:THE SUB-DIVISIONAL OFFICER
CIVIL
NORTH SALMARA
DIST. BONGAIGAON
ASSAM

7:THE ASSISTANT EXECUTIVE ENGINEER
PWD (RURAL SUB-DIVISION)
ABHAYAPURI
DIST. BONGAIGAON
ASSAM

8:THE CIRCLE OFFICER
BOITAMARI REVENUE CIRCLE
DIST.BONGAIGAON
ASSAM

9:THE BLOCK DEVELOPMENT OFFICER
BOITAMARI DEVELOPMENT BLOCK
DIST. BONGAIGAON
ASSA

For the Petitioner(s) : Mr. A.U. Ahmed, Advocate

For the Respondent(s) : Mr. H. Sarma, Government Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03-10-2024

Heard Mr. A.U. Ahmed, the learned counsel appearing on behalf of the

petitioners as well as Mr. H. Sarma appearing on behalf of the respondents.

2. The instant writ petition was filed by the petitioners being aggrieved by the demolition of a bridge/culvert by the District Administration which was constructed by the petitioners.
3. The petitioners were aggrieved as on account of the demolition of the bridge, the petitioners were not able to use their patta land and the ingress and egress to their land were greatly impacted.
4. It is seen that on 30.09.2024 an instruction was placed dated 12.09.2024 wherein it was mentioned that on account of the natural drain from the hill side being blocked by some local people filling by rivers sand/sandy soil for which there was a water logging problem, the action had to be resorted by the District Administration.
5. It is also seen that the respondents are not adverse to petitioner constructing a bridge/culvert for their ingress and egress to their land without affecting drainage system over the drain.
6. Taking into account the above as well as the instruction dated 12.09.2024 which has been placed on record and marked with a letter "X", this Court permits the petitioners to construct a bridge/culvert so that they can ingress and egress to their land. However, it is made clear that in doing so, the petitioners shall not in any manner effect the drainage system over the drain.

JUDGE

Comparing Assistant