

GAHC010191662020



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

Case No. : WP(C)/135/2021

ARUP JYOTI BARUAH @ APPU
S/O- LT. UMESH BARUAH, R/O- NAHARKATIA JAGUN GAON, P.O. AND P.S.
NAHARKATIA, DIST.- DIBRUGARH, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI- 110011

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUARTERS ULUBARI
GHY-07

4:THE SUPERINTENDENT OF POLICE
DIBRUGARH
DIST.- DIBRUGARH
PIN- 786001

5:THE OFFICER-IN-CHARGE
NAHARKATIA P.S.
DIST.- DIBRUGARH
ASSAM
PIN- 786001

6:THE COMMANDING OFFICER

AR-6 ASSAM RIFLES
KHONSA TOWN
P.O. KHONSA
DIST.- TIRAP
ARUNACHAL PRADESH
PIN- 792130

7:THE COMMANDING OFFICER
RAJAPUTANA RIFLE ARMY CAMP DIBRUGARH PALTAN BAZAR
DIBRUGARH
ASSAM
PIN- 78600

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

03-06-2024

(M.R.Pathak, J)

Heard Mr. P.J. Saikia, learned counsel appearing on behalf of the petitioner. Also heard Mr. K. Gogoi, learned Central Government Counsel, for the respondent Nos. 1, 6 and 7 as well as Mr. D. Nath, learned Additional Senior Government Advocate, Assam for the respondent Nos. 2 to 5.

2) It is stated by the learned counsel for the petitioner that on the night of 01.01.2020, the Additional Superintendent of Police, the Deputy Superintendent of Police, Officer-in-Charge of Naharkatia Police Station, accompanied by Army personnel of Assam Rifles 6, Khonsa as well as Army personnel of Army Camp, Dibrugarh (Rajaputana Rifles) visited the house of the petitioner and disclosing their identity, they enquired about him. As he was not at home, his family

members were asked to produce the petitioner in the Army camp situated at Khonsa immediately, further informing his family members that on their failure to produce the petitioner they would face the consequences.

3) On being enquired the petitioner came to know that he was suspected to be involved in Dibrugarh Police Station Case No. 18/2020 registered under Section 10 of the Unlawful Activity (Prevention) Act, read with Section (1-a) of the Arms Act, pertaining to his involvement with NSCN (a banned Militant organization of Nagaland).

4) Petitioner stated that he approached the learned Sessions Judge, Dibrugarh by filing Bail Application No. 208/2020 in said Dibrugarh P.S. Case No. 18/2020 and the court after perusing the case diary disposed of his said bail application observing that the case diary does not speak anything about the involvement of the petitioner in the case as the same does not contain his name at any stage during investigation of the case.

5) The respondent No. 7 on 04.02.2022 filed its affidavit stating that the 6th Assam Rifles had taken over the operation area from the 16th Assam Rifles at Khonsa with effect from 09.02.2020 and moved over to Jagun Gaon which does not fall under Khonsa Battalion area of responsibility and accordingly, rejected the alleged claim of the petitioner pertaining to their visit to his house on the night of 20.01.2020 stating that the said allegation is false, concocted and baseless.

6) In the said affidavit the respondent concerned also denied the visit of the Army Personnel in the house of the petitioner on 05.07.2020.

- 7)** Though the petitioner received the copy of the said affidavit way back on 03.02.2022, but he did not file any rejoinder to counter the statements made in the said affidavit of the respondent Assam Rifles as well as the Rajaputana Rifles.
- 8)** The petitioner in this petition amongst others prayed for direction to the respondent not to harass or threaten him or his family members with dire consequences and also to direct the respondents to apprise him of any case being registered against him. It is seen that after filing of this writ petition on 21.12.2020, more than three years of time have elapsed by now and the petitioner could not place anything before the Court relating to any such threat by the respondents after the alleged incident on 01.01.2020.
- 9)** Considering the entire aspects of the matter and efflux of time, this writ petition has become infructuous. Accordingly, this writ petition stands dismissed.
- 10)** The interim order passed earlier on 01.01.2021 in this proceeding stands vacated.

JUDGE

JUDGE

Comparing Assistant