

GAHC010223802022



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

Case No. : WP(C)/7054/2022

NAKIBUR JAMAN
S/O- LATE MAKSHED ALI,
R/O- D.D. ROAD, NALBARI,
WORD NO.- 4,
P.O.- NALBARI,
P.S.- NALBARI,
DIST.- NALBARI, ASSAM,
PIN- 781337.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT,
DISPUR, GUWAHATI- 06.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS DEPARTMENT

DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER
NALBARI
ASSAM
PIN- 781337.

4:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
DIST.- NALBARI
ASSAM
PIN- 781337.

5:THE NALBARI MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN

NALBARI
ASSAM
PIN- 781337.

6:THE CHIEF EXECUTIVE OFFICER
NALBARI MUNICIPAL BOARD

NALBARI
ASSAM
PIN- 781337.

7:ASSAM DIPLOMA ENGINEERS SERVICE ASSOCIATION
REPRESENTED BY ITS ZONAL SECRETARY

NALBARI (PHE) CIRCLE

NALBARI
ASSAM
PIN- 781337

Advocate for the Petitioner : MR. A MOBARAQUE, MR. A HUSSAIN

Advocate for the Respondent : SC, REVENUE, SC, MUNICIPAL AUTHORITIES,MS. N BORDOLOI, REVENUE DEPTT.,MR H SARMA, GA, ASSAM,MD S ULLAH (r-6),MR S C PANDIT (r-6),SC, PWD,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 07.08.2024

Heard Mr. A. Mobaraque, learned counsel for the petitioners. Also

heard Mr. S. S. Roy, learned counsel appearing for the State respondents.

At the outset, Mr. S. S. Roy, learned counsel has submitted that the present writ petition is not maintainable, inasmuch as the petitioner, herein, has suppressed the fact that he and his wife both are working as Assistant Teachers in a provincialized school. This fact is not disputed by the learned counsel for the petitioners.

In that view of the matter, the petitioner has disentitled himself for a consideration in the matter, on its merits.

Poised thus, the learned counsel for the petitioner submits that he be permitted to withdraw the present petition and prays that the non-disclosure of the service particulars of the petitioner, was on account of an inadvertent error and prays the same may be condoned.

It is seen that the petitioner had not disclosed his service particulars in the matter and the fact that he was serving as an Assistant Teacher of a provincialized school at the time of the institution of the present proceeding, was not disclosed. The petitioner had only projected that he was earning his livelihood by operating his shop, which was over the disputed land.

However, considering the contention of the learned counsel for the petitioner that an inadvertent error had occasioned in the matter, this Court is not imposing any costs on the petitioner, in this connection. Accordingly, the prayer of the learned counsel for the petitioner for withdrawal of the present proceeding is accepted and the writ petition stands dismissed, however, it is clarified that no liberty is granted to the

petitioner to re-file the matter on the same issue.

JUDGE

Comparing Assistant