

GAHC010229132024



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

Case No. : PIL/63/2024

MONOWAR HUSSAIN KHAN AND 11 ORS
S/O LATE HASEN ALI KHAN
RESIDENT OF VILLAGE CHIRAKUTI CHATAPARA, PO CHIRAKUTI, DIST
DHUBRI, ASSAM 783330

2: SRI HAYET ALI
S/O LATE PASHAN ALI
RESIDENT OF KUMRI
PO CHIRAKUTI

DIST DHUBRI
ASSAM
783330

3: SRI JOHIRUL ISLAM
S/O LATE ABDUL MOZID

RESIDENT OF KUMRI
PO CHIRAKUTI

DIST DHUBRI
ASSAM
783330

4: SRI MOYAN UDDIN SHEIKH

S/O LATE AKABBAR ALI SHEIKH

RESIDENT OF VILLAGE CHIRAKUTI CHATAPARA
PO CHIRAKUTI
DIST DHUBRI
ASSAM 783330

5: SRI EKTAR HUSSAIN

S/O LATE INTAS ALI

RESIDENT OF VILLAGE KALNOI
PS MEDORTARI
DIST DHUBRI
ASSAM 783330

6: SRI TARACHAN ALI
S/O LATE ABDUR REZZAQUE

RESIDENT OF VILLAGE PODDARVITA
PO MEDORTARI
DIST DHUBRI
ASSAM 783330

7: SRI RASHIK ALOM
S/O OHED ALI

RESIDENT OF KUMRI
PO CHIRAKUTI

DIST DHUBRI
ASSAM
783330

8: SRI SOFIAR RAHMAN
S/O MOHOR ALI
RESIDENT OF KUMRI
PO CHIRAKUTI

DIST DHUBRI
ASSAM
783330

9: SRI ABU NASER AHMED

S/O SRI SULTAN MOHAMMAD MIAH

RESIDENT OF VILLAGE CHIRAKUTI CHATAPARA
PO CHIRAKUTI
DIST DHUBRI
ASSAM. 783330

10: SRI JOYNAL ABEDIN
S/O SRI PASHAN ALI
RESIDENT OF VILLAGE PARUWA
PO CHIRAKUTI DIST DHUBRI
ASSAM. 783330

11: SRI ROFIQUL ISLAM
S/O SRI NOBUCHAND SK

RESIDENT OF VILLAGE MEDORTARI
PO MEDORTARI
DIST DHUBRI
ASSAM. 783330

12: SRI ABDUR ROSHID
S/O SRI BISHA MIAH

RESIDENT OF VILLAGE FULPUR
PO MEDORTARI
DIST DHUBRI
ASSAM. 78333

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
ASSAM SECRETARIAT, DISPUR, GUWAHATI 781006

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006

3:THE DISTRICT LEVEL COMMITTEE
(CONSTITUTED FOR RATIFYING BLOCK BOUNDARIES AND RECOMMEND
DEMARCATON OF THE BLOCK BOUNDARIES ALONG WITH BLOCK HQ
TO THE PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT)
REPRESENTED BY THE DISTRICT COMMISSIONER
DHUBRI
ASSAM

4:THE DISTRICT COMMISSIONER
DHUBRI ASSAM

5:DHUBRI ZILLA PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER DHUBRI

For petitioner(s)/appellant(s) : Mr. S. Borthakur, Advocate
Mr. S. Dey, Advocate

For respondent(s) : Mr. D. Saikia, AG, Assam
Mr. K. K. Konwar, SC, PNRD
Mr. P. Barua, Advocate

– BEFORE –

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

04.11.2024

(Vijay Bishnoi, CJ)

Heard the learned counsel for the parties.

In this PIL petition the petitioners have prayed for setting aside and quashing the Notification No. PDA.6/2024/DB/13, dated 19.10.2024 issued by the Additional Chief Secretary to the Government of Assam, Panchayat & Rural Development Department, whereby Borkalia Naskara village under Naskara Gaon Panchayat, in the district of Dhubri has been notified as the Headquarter of Naskara Jamadarhat Development Block instead of Chirakuti, which had been the Headquarters of the erstwhile Jamadarhat Development Block since long back.

It is the case of the petitioners that while notifying Borkalia Naskara as the Headquarter of Naskara Jamadarhat Development Block vide the above-referred notification, the Government has not strictly followed the Standard Operating Procedure (SOP) for Delimitation of Gaon Panchayat, Anchalik Panchayat & Zilla Parishad.

Having heard the learned counsel for the petitioners and after going through the material available on record, we are of the view that fixing the Headquarter of a Development Block is purely an administrative matter and it comes within the domain of the Executive. It is not the case of the petitioners that while fixing the Headquarter of Naskara Jamadarhat Development Block at village Borkalia Naskara, the respondents have violated any statutory Rules or have acted with *mala fides*.

Learned counsel for the petitioners has frankly conceded that the said SOP for re-organization of Development Blocks has no statutory force.

In view of the above, we are of the opinion that no mandamus can be issued and the relief prayed for in the PIL petition cannot be granted to the petitioners in the facts and circumstances noted above.

It is claimed by the learned counsel for the petitioners that the petitioners and other affected persons have already approached the Additional Chief Secretary to the Government of Assam, Panchayat and Rural Development Department, by filing a representation dated 18.10.2024 ventilating their grievance with regard to the fixing of village Borkalia Naskara as the Headquarter of Naskara Jamadarhat Development Block.

It is noticed that the above representation was filed by the aggrieved persons prior to the issuance of notification dated 19.10.2024, which is impugned in this PIL petition, therefore, we grant liberty to the petitioners to file fresh representation before the competent authority raising their grievances against fixing of Headquarter of the Naskara Jamadarhat Development Block at village Borkalia Naskara.

If any such representation is filed by the petitioners within four weeks from today, it is expected that the authorities concerned shall dispose of the said representation expeditiously.

With these observations, this PIL petition stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant