

GAHC010231012024



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

Case No. : WP(C)/5829/2024

SABIBOR RAHMAN
S/O- LT. KHOIBAR ALI SK.,
VILL. AND P.O.- TISTARPAR,
DIST- DHUBRI, ASSAM,
PIN- 783324.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI- 06.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
GOVT. OF ASSAM PANJABARI
JURIPAR GUWAHATI- 37.

3:THE DEPUTY COMMISSIONER
DISTRICT DHUBRI ASSAM.

4:THE DHUBRI ZILLA PARISHAD
DHUBRI
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
DISTRICT- DHUBRI
ASSAM.

5:THE GASPARA GAON PANCHAYAT
REPRESENTED BY ITS SECRETARY
P.O.- GASPARA
DIST.- DHUBRI
ASSAM
PIN- 783324.

6:HABIBOR RAHMAN
S/O- KHOIBOR ALI SK.
VILL- KUMARGATI
P.O.- TISTARPAR
DIST.- DHUBRI
ASSAM
PIN- 783324

Advocate for the Petitioner : MR A ISLAM, MR A SHARMA

Advocate for the Respondent : SC, P AND R.D., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 13.11.2024

Heard Mr. A. Islam, learned counsel for the petitioner, who submits that the respondent no.6 has been illegally running a private market called Gaspara Kumargati Sluice Gate Bazar over the petitioner's private land, without any approval being obtained from the Gaon Panchayat or the Government, as required under Section 107 of the Assam Panchayat Act, 1994. Though the petitioner has submitted a representation dated 15.10.2024 to the District Commissioner, Dhubri, with regard to the illegal running of the private market, no action has been taken by the respondent authorities till date. He submits that the writ petition can be disposed of, if a direction is issued to the District Commissioner, Dhubri to take a decision on the petitioner's representation dated 15.10.2024.

Mr. S. Dutta, learned counsel appearing for the P&RD Department and Mr. K. Gogoi, learned Additional Senior Government appearing for the District Commissioner, Dhubri submit that they have got no objection to the prayer made by the petitioner's counsel.

In view of the submission made by the counsels for the parties, the District Commissioner, Dhubri is directed to take a decision on the petitioner's representation dated 15.10.2024, within a period of 1 (one) month from the date of receipt of a certified copy of this order.

The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant