

GAHC010242582024



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

Case No. : WP(C)/6075/2024

SATYA DAS
S/O LATE GOBINDA DAS
RESIDENT OF VILLAGE KUKURMARA PO KUKURMARA, PS CHHAYGAON,
DIST KAMRUP ASSAM 781134

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF TRANSFORMATION AND DEVELOPMENT,
GOVT. OF ASSAM, DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR GUWAHATI 06

3:THE DISTRICT COMMISSIONER
KAMRUP (R) AMINGAON
KAMRUP ASSAM 781031

4:THE CIRCLE OFFICER

CHHAYGAON REVENUE CIRCLE
CCHHAYGAON
KAMRUP ASSAM 781124

5:THE BLOCK DEVELOPMENT OFFICER

CHHAYGAON DEVELOPMENT BLOCK
CHHAYGAON
KAMRUP ASSAM 781124

6:THE SECRETARY
NO. 15 CHAMPAK NAGAR GAON PANCHAYAT
CHHAYGAON
KAMRUP ASSAM 781124

7:SHRI KRISHNA RAM KAIBARTA

S/O LATE BABULAL KAIBARTA

RESIDENT OF VILLAGE KUKURMARA PO KUKURMARA
PS CHHAYGAON
DIST KAMRUP ASSAM 781124
PRESIDENT OF CONSTRUCTION COMMITTEE OF CULTURAL STAGE WITH
TOILET AND GREEN ROOM AT KUKUMARA VILLAGE

8:SHRI MILAN NAGAR
S/O LATE PRAFULLA DAS

RESIDENT OF VILLAGE KUKURMARA PO KUKURMARA
PS CHHAYGAON
DIST KAMRUP ASSAM 781124
PRESIDENT OF CONSTRUCTION COMMITTEE OF BOUNDARY WALL OF
KUKUMARA VILLAGE PLAYGROUND

9:SHRI SUNIL DAS
S/O LATE SATYA NATH THAKURIA
RESIDENT OF VILLAGE KUKURMARA PO KUKURMARA
PS CHHAYGAON
DIST KAMRUP ASSAM 781124
PRESIDENT OF CONSTRUCTION COMMITTEE OF WEAVING CENTRE AT
KUKUMARA VILLAGE

Advocate for the Petitioner : MS. N S THAKURIA, MR. G K THAKURIA

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.11.2024

Heard Ms. N.S. Thakuria, learned counsel for the petitioner. Also heard Mr. S. Baruah, learned Government Advocate, Assam for the respondent nos. 1 & 4

and Mr. S. Dutta, learned Standing Counsel, P&RD.

2. This writ petition is filed by the petitioner stating that he is the President of Kukurmara Raji Gayrah and Adarxa Village. The petitioner in his capacity as the President was requested by the Secretary of 15 No. Champak Nagar Gaon Panchayat, Chhaygaon to select the Presidents for 3 Construction Committees to carry out works under the Adarxa Gram Yojana Scheme. The petitioner and the Secretary submitted the proceedings of the meeting held on 23.05.2024 in the Office of the Gaon Panchayat on 25.05.2024. But instead of constituting the construction committee in terms of the name proposed by the petitioner and the Secretary of the Gaon Panchayat, the local MLA constituted a construction committee with the people of his choice and as a consequence thereof, the respondent no.4, i.e. the District Commissioner, Kamrup, Amingaon, issued a notification dated 1.10.2024 notifying the names inserted by the local MLA in the said committee. It is submitted that the same is in violating the guidelines laid down in the Adarxa Gram Yojana. The petitioner submitted a representation dated 05.11.2024 but no step has been taken by the District Commissioner, Kamrup, in this regard.

3] The matter was listed on 22.11.2024, on which date the learned counsel for the petitioner was permitted to complete her instructions with regard to the

representation dated 05.11.2024 furnished by the petitioner before the District Commissioner, Kamrup, Amingaon.

4] Today an additional affidavit has been filed by the petitioner, wherein it is stated that the petitioner has again submitted a representation on 25.11.2024 and has enclosed a copy of the representation dated 25.11.2022 filed before the District Commissioner, Karmup, Amingaon. The said representation was shown to be received on 25.11.2024. It is submitted that in spite of the representation being filed, no order has been passed by the District Commissioner, Kamrup, Amingaon in respect of the grievances raised by the petitioner. The writ petition was filed for a direction to the District Commissioner, Kamrup to pass necessary orders in the matter.

5] Learned counsel for the respondents submits that they have no instructions in the matter.

6] The specific prayer of the petitioner in the writ petition is to set aside the Notification dated 01.10.2024 passed by the Deputy Commissioner, Kamrup, Amingaon vide Memo No. KDP.126309/DFA-309032-A. In spite of the representation being filed, no order has been passed by the Deputy Commissioner, Kamrup, Amingaon redressing the grievances raised by the petitioner.

7] Under such circumstances, this Court considers it apposite to close the writ petition at the Motion stage itself without issuing notice to the respondents but directing the respondent no.4, namely, the District Commissioner, Kamrup, Amingaon to pass appropriate order on the representation filed by the petitioner highlighting his grievances. Any such order that is passed, a copy thereof be served on the petitioner. The District Commissioner, Kamrup, Amingaon shall pass necessary order within a period of 2 (two) weeks from the date of receipt of a certified copy of this order to be submitted by the petitioner.

8] In term of the above direction, the matter stands disposed of.

JUDGE

Comparing Assistant