

GAHC010253382023



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

Case No. : PIL/70/2023

MANIK PAUL AND 8 ORS
S/O SHUKHAMOY PAUL, R/O DOBOKA TOWN, WARD NO. 2, P.O. AND P.S.-
DOBOKA, DIST-HOJAI, ASSAM, PIN-782440

2: HIMANGSHU DEY
S/O KAIRALI DEY
R/O DOBOKA TOWN
WARD NO. 2
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

3: MD. FARUQUE AHMED
S/O ABDUL MANNAF
R/O DOBOKA TOWN
WARD NO. 10
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

4: SHELIM UDDIN
S/O MAKADDAS ALI
R/O DOBOKA TOWN
WARD NO. 4
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

5: MITHUN GHOSH
S/O DULAL GHOSH
R/O DOBOKA TOWN

WARD NO. 2
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

6: SHAMIM UDDIN
S/O JAHIR UDDIN
R/O DOBOKA TOWN
WARD NO. 5
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

7: ABDUL AZIZ
S/O ABDUL KHALIQUE
R/O DOBOKA TOWN
WARD NO. 1
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

8: MONESWAR BORAH
S/O KANTIRAM BORAH
R/O BHOGIRAM GAON
DOBOKA TOWN
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-782440

9: JYOTIRMOY GUPTA
S/O LATE JAGOJIBON GUPTA
DOBOKA TOWN
WARD NO. 6
P.O. AND P.S.-DOBOKA
DIST-HOJAI
ASSAM
PIN-78244

VERSUS

THE DOBOKA MUNICIPAL BOARD AND 3 ORS
REPRESENTED BY ITS CHAIRMAN, P.O. AND P.S.-DABAKA, DIST-HOJAI,
ASSAM, PIN-782440

2:THE EXECUTIVE OFFICER
THE DOBOKA MUNICIPAL BOARD
DIST-HOJAI
ASSAM PIN-782440

3:THE DEPUTY COMMISSIONER
HOJAI DISTRICT
HOJAI ASSAM
PIN-782435

4:THE DIRECTORATE OF MUNICIPAL ADMINISTRATION
REPRESENTED BY ITS DIRECTOR
GOVERNMENT OF ASSAM
URBAN DEVELOPMENT DEPARTMENT
DISPUR GUWAHATI PIN-78100

For the petitioners : Mr. G. Uddin, Advocate
For respondent Nos.1 & 2 : Mr. D.K. Sarmah, Advocate
For respondent Nos.3 & 4 : Mr. S.S. Barooah, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

26-02-2024

(Vijay Bishnoi, C.J.)

1) This writ petition is filed by the petitioners in the design of Public Interest Litigation essentially with the prayer for declaring that the action of the respondents in allotting the shops in the Modern Market as well as Vendor Market under Doboka Municipal Board as illegal. It is also prayed that necessary order be passed for conducting enquiry into the irregularities committed in allotment of the above referred shops.

2) It is noticed that on a complaint filed by some persons, including the present petitioners, the Deputy Commissioner, Hojai has already issued a direction to the

Executive Officer of Doboka Municipal Board to enquire into the matter.

3) Learned counsel for the petitioners has submitted that despite the direction issued by the Deputy Commissioner, the Executive Officer is not conducting any enquiry into the irregular allotment of shops in question. It is also contended by the learned counsel for the petitioners that corruption took place in allotment of the shops.

4) Having heard the learned counsel for the parties and after going through the contents of the writ petition, we are of the view that vague allegation of corruption in allotment of the shops has been levelled by the petitioners as no details regarding the illegalities and irregularities have been provided by the petitioners in this petition. On the basis of such vague allegation, no writ of mandamus can be issued as prayed for by the petitioners.

5) It is to be noticed that the petitioners have already filed a complaint with the concerned officer and the said officer has already ordered for enquiring into the complaints and therefore, we are of the view that no direction is required to be passed in this PIL. If the enquiry is not conducted by the concerned officer, it is always open for the petitioners to approach the higher authorities for redressal of their grievance.

6) In view of the above discussion, we do not find any merit in this PIL and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant