

GAHC010254072024



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

Case No. : WP(C)/6384/2024

MUKUL CHANGMA AND 11 ORS
S/O- AGUR MARAK,
R/O- VILLAGE GOBARDHANA GRANT

2: BHUPEN BHUYAN
S/O- LATE PHUKAN BHUYAN

R/O- KAMARPURPATHAR

3: BUBUL DEKA
S/O- LATE SANTARAM DEKA

R/O- KAMARPURPATHAR

4: RATAN DEKA
S/O- LATE BULURAM DEKA

R/O- 2 NO. DHAMKHUNDA

5: NARAYAN BARMAN
S/O- LATE GOPAL BARMAN

R/O- 2 NO. DHAMKHUNDA

6: KRISHNA KANTA SUTRADHAR
S/O- LATE SUMANTRA SUTRADHAR

R/O- DHIPUJIJAN PAM

7: JALDHAR BISWAS
S/O- LATE GANESH BISWAS

R/O- DHIPUJIJAN PATHAR

8: RABIN SARKAR
S/O- LATE SRAJENDRA SARKAR

R/O- GHORAMARAJANPAR

9: DEEPAK SAIKIA
S/O- LATE JADURAM SAIKIA

R/O- KAJOLICHOWKI

10: BASUNDHAR SAIKIA
S/O- LATE LEPAR SAIKIA

R/O- HATIBAGARA

11: PRADIP RAJBONGSHI
S/O- LATE NABIN RAJBONGSHI

R/O- GOVALI

12: FAGU SAHA
S/O- LATE MUKUL SAHA

R/O- MIKIRPAM

ALL THE PETITIONERS ARE RESIDENTS UNDER P.O- CHANDRAPUR
P.S- PRAGJYOTISHPUR

DIST- MORIGAON
ASSAM
PIN-78115

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
GENERAL ADMINISTRATION DEPARTMENT
DISPUR, GUWAHATI-6, DISTRICT- KAMRUP(M), ASSAM.

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI-6
DISTRICT- KAMRUP(M)
ASSAM.

3:THE COMMISSIONER AND
TO THE GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI-6
DISTRICT- KAMRUP(M)
ASSAM.

4:THE DISTRICT COMMISSIONER

KAMRUP (M)
GUWAHATI-36
ASSAM.

5:THE DISTRICT COMMISSIONER

MORIGAON
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, MR. D GOGOI,MR SAURADEEP DEY

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02.12.2024

Heard Mr. S. Dey, learned counsel for the petitioners. Also heard Mr. A. Phukan, learned counsel for the respondents No. 1, 2 & 3 and Mr. S. Baruah, learned Government Advocate for the respondents No. 4 & 5.

The grievances of the petitioners are that by notification issued by the General Administration Department, 12 villages of Paschim Mayong Gaon Panchayat have been placed under the jurisdiction of Morigaon district from Kamrup District. Being aggrieved, the petitioners filed representations before the authorities concerned and pursuant to that the earlier notification was modified on 30.10.2024 whereby all the villages were based under the

administrative control of the Kamrup (Metro) District from the administrative control of Morigaon District. The Notification is only with regard to change of administrative control and not for change of boundary of the district and co-district etc. The petitioners are before this Court praying for a direction to the Principal Secretary, Panchayat and Rural Development for disposal of their representations which they claimed to have filed on 12.07.2024.

The learned counsel for State has raised an objection stating that the Panchayat and Rural Development Department is not arrayed as a party respondent and in the absence of that, perhaps, no direction can be issued by the Court.

Mr. A. Phukan on the other hand appearing for the General Administration Department, Government of Assam submits that the grievances of the petitioners have already been redressed by the notification dated 30.10.2024 under which all the villages were placed under administrative control of Kamrup (Metro) district and no longer under the administrative control of Morigaon District. Therefore, no cause remains to be pursued in the present writ petition.

Having considered the submissions made by the learned counsel for the parties, this Court is of the view that the Notification dated 30.10.2024 clearly prescribe that administration control of the villages mentioned therein are under the Kamrup (Metro) District and no longer under the administrative control of Morigaon District. If any further grievances remain, the petitioners may approach the competent authority which is the General Administration Department (GAD) or the Panchayat and Rural Department as may be advised.

Under such circumstances, at the prayer of the learned counsel for the petitioner, we permit the writ petition to be withdrawn with liberty to the

petitioners to approach the competent department and file afresh representations highlighting their grievances. Needless to say if the petitioners grievances are not redressed inspite of filing such representations, they are at liberty to approach the Court.

The writ petition accordingly stands dismissed on withdrawal.

JUDGE

Comparing Assistant