

GAHC010259982023



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

Case No. : PIL/73/2023

1. ABDUL KADIR AND 2 ORS
S/O- GIAS UDDIN,
R/O- VILLAGE- CHATIAN, P.S. JURIA,
DISTRICT- NAGAON, PIN- 782124

2: HASMAT ALI
S/O- SIRAJ ALI
R/O- VILLAGE- CHATIAN
P.S. JURIA, DISTRICT- NAGAON

3: RAHIMA KHATUN
W/O- RAMJAN ALI
R/O- VILLAGE KENDUGURI
P.S. JURIA, DISTRICT- NAGAO

VERSUS

1. THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, GENERAL ADMINISTRATION DEPARTMENT,
DISPUR, GUWAHATI- 781006

2: PRINCIPAL PRIVATE SECRETARY TO THE HONBLE CHIEF MINISTER
ASSAM,
DISPUR, GUWAHATI- 781006

3: DEPUTY COMMISSIONER (DISTRICT COMMISSIONER), NAGAON
ASSAM, PIN- 782001

4: CIRCLE OFFICER (REVENUE)
RUPAHI REVENUE CIRCLE
P.O. RUPAHI, P.S. JURIA
NAGAON, ASSAM
PIN- 782124

5:NAZRUL ISLAM
S/O- ABDUL BARIK
R/O- VILLAGE- CHATIAN
P.O. TINSUKIA, P.S. JURIA
NAGAON, ASSAM
PIN- 78212

For the Petitioner(s) : Ms. L. Wajeeda, Advocate.

For the Respondent(s) : Mr. R.K. Borah, Additional Senior Government
Advocate, Assam.

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

13.02.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the petitioners in the design of Public Interest Litigation (PIL) essentially raising a grievance against the respondent No.5 who is working as the Government Gaon Burah of villages Chatian, Nagarbhandha and Kenduguri under the Rupahi Revenue Circle in the district of Nagaon, Assam.

Allegation has been levelled that the respondent No.5 has brought all the economic and official of the villages under his grip by illegal means and let loose extreme corruption and hooliganism organizing a group of hooligans, anti-social elements, criminals, land mafias and started a rule of anarchy in the locality. It is also alleged that the respondent No.5 has formed a nexus with the local revenue, police and other officials and made himself as the solitary ruler of the area controlling all the activities and if anybody protests his misdeeds, is entrapped in criminal cases.

We have gone through the contents of the writ petition and have also

perused the material available on record.

Essentially the writ petition is filed by the petitioners levelling allegations against the respondent No.5 who is a Government official but in support of the said allegations, no material is placed on record except a copy of the representation said to have been submitted by the villagers to Hon'ble the Chief Minister, Assam.

We are of the opinion that a writ petition levelling certain allegations against a Government official cannot be termed as a petition in public interest in strict sense. If the villagers have any grievance against the Government official, they can avail appropriate remedy available to them under the law such as filing complaint to the higher officials and if any individual is involved in criminal activities, complaint can be filed with the police also.

Mr. R.K. Borah, learned Additional Senior Government Advocate, Assam appearing for the respondent State has informed that acting on the complaint filed by the villagers, the respondent No.5 has already been placed under suspension vide order dated 28.04.2023 issued by the Deputy Commissioner & Disciplinary Authority, Nagaon.

Be that as it may, we have already expressed our opinion that this writ petition cannot be entertained as a Public Interest Litigation. Hence, we are not inclined to interfere in this matter.

The writ petition (PIL) is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant