

GAHC010267362024



2024:GAU-AS:12812-DB

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

Case No. : PIL/75/2024

- 1.NARAYAN CHANDRA ROY AND 12 ORS.
S/O LATE NAKUL CHANDRA ROY,
R/A VILL- BADRIPAR, P.O.-BADRIPAR,
P.S.-UDHARBAND, DIST- CACHAR, ASSAM, PIN-788009
- 2: SMTI SAIRA BEGUM
W/O ISLAM UDDIN CHOWDHURY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009
- 3: NURUL ISLAM
S/O LATE TAJ UDDIN
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009
- 4: MAZIBAR RAHAMAN CHOUDHURY
S/O LATE IMAM UDDIN CHOUDHURY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009
- 5: SHYAMAL KUMAR DAS
S/O LATE SANAT KUMAR DAS
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009
- 6: AZAD AHMED CHOUDHURY
S/O SAHAIS UDDIN CHOUDHURY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009
- 7: SMTI RUPA ROY
S/O SRI SUSHANTA ROY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009

8: ABDUL KHALIK CHOUDHURY
S/O LATE ABDUL MALIK CHOUDHURY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009

9: CHANCHAL KUMAR DAS
S/O LATE KIRITI CHANDRA DAS
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009

10: SUBENDY KUMAR ROY
S/O LATE SUSHIL CHANDRA ROY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009

11: MAZIBAR RAHAMAN CHOUDHURY
S/O LATE TONJAU MIA CHOUDHURY
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-788009

12: SAHAJAHAN CHOUDHURY
S/O LATE SAMSUR JAMAL
R/A VILL- BADRIPAR P.O.-BADRIPAR P.S.-UDHARBAND
DIST- CACHAR ASSAM PIN-78800

VERSUS

1.THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT, ASSAM SECRETARIAT,
DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM SECRETARIAT DISPUR GUWAHATI ASSAM PIN-781006

3:THE DISTRICT LEVEL COMMITTEE
(CONSTITUTED FOR RATIFYING BLOCK BOUNDARIES AND
RECOMMEND DEMARCATION OF THE BLOCK BOUNDARIES ALONG
WITH BLOCK HQ TO THE PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT) REPRESENTED BY THE DISTRICT COMMISSIONER
CACHAR ASSAM

4:THE DISTRICT COMMISSIONER CACHAR ASSAM

5:ZILLA PARISHAD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, CACHAR

For the Petitioner(s) : Mr. R.C. Paul, Advocate.
: Mr. A.R. Das, Advocate.
For the Respondent(s) : Mr. K. Konwar, Additional Advocate General, Assam.
: Ms. P. Thapa, Advocate.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

17.12.2024

(Vijay Bishnoi, CJ)

By filing this writ petition in the design of Public Interest Litigation (PIL), the petitioners have challenged the validity of the Notification dated 16.10.2024, issued by the District Commissioner, Cachar, Chairman of District Delimitation Commission, Cachar, whereby the Badripar Gaon Panchayat under Banaskandi Development Block at village Badripar has been given a new name and notified as the Headquarters of Gangapur-Badripar Gaon Panchayat under Rangpur Development Block at village Gangapur.

It is noticed that this PIL petition is filed by 12 petitioners challenging the validity of the above referred Notification, while claiming that the said Notification is going to affect thousands of people of the residents of village Badripar. *Prima-facie* we are of the view that the delimitation process is purely an administrative exercise and comes within the domain of the administrative authorities. Even if the present petitioners are aggrieved by the delimitation process, it cannot be said that they are representing the whole villagers who may not have been affected by the delimitation process. In such circumstances, we are of the view that this PIL petition challenging the delimitation process is not maintainable.

At this stage, Mr. R.C. Paul, learned counsel appearing for the petitioners has

prayed that he may be allowed to withdraw this PIL petition. However, he seeks liberty for the petitioners to challenge the delimitation process by way of filing appropriate proceedings before the appropriate forum.

In view of the submission made by the learned counsel for the petitioners, this PIL petition is dismissed as withdrawn with the liberty, as prayed for.

JUDGE

CHIEF JUSTICE

Comparing Assistant