GAHC010280492018

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

Case No. : WP(C)/96/2019

MAHAR ALI AND 17 ORS.
S/O MOFIJ ALI, R/O VILL. KURIHAMARI, P.O. BHANGNAMARI, P.S. SHIALMARI, DIST. NALBARI, ASSAM. PIN- 781126.

2: ABDUL SALAM @ ABU SALAM ALI
S/O. SAKKU ALI
R/O VILL. KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126

3: ALEKJAN
W/O IBRAHIM
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

4: CHALAM ALI
S/O BELLAL ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

5: CHUKUR ALI
S/O ABDUL ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

6: DARBECH ALI
S/O MAGRAB ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

7: HABEJ ALI
S/O- JAHER
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

8: HAFIZUR RAHMAN
S/O HASED ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

9: KAMAL ALI
S/O RAJU ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

10: KURBAN ALI
S/O PHARMAN
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

11: MOINUL HOQUE
S/O MOGAL ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

12: MUNNAF ALI
S/O KADER ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

13: NOUSAD ALI
S/O ISLAM ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

14: RAHIM UDDIN
S/O MOBARAK
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

15: SARAK ALI
S/O KAMAL SK.
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

16: TAIJUDDIN SIKDAR
S/O. LATE TAHAR ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

17: MIJAN NESSA
W/O MOKIMUDDIN
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126.

18: SATTAR ALI
S/O ABDUL ALI
R/O VILL KURIHAMARI
P.O. BHANGNAMARI
P.S. SHIALMARI
DIST. NALBARI
ASSAM. PIN 781126

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
GHY-37.

3:THE DEPUTY COMMISSIONER
NALBARI
P.O.
P.S. AND DIST. NALBARI
ASSAM. PIN 781101.

4:THE PROJECT DIRECTOR (PD)
DRDA NALBARI
P.O.
P.S. AND DIST. NALBARI
ASSAM. PIN 781101.

5:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD
NALBARI
P.O.
P.S. AND DIST. NALBARI
ASSAM. PIN- 781101.

6:THE BLOCK DEVELOPMENT OFFICER
BARKHETRI DEVELOPMENT BLOCK
P.O. AND P.S. MUKALMUA
NALBARI
ASSAM. PIN- 781138.

7:THE SECRETARY
65 NO. KURIHAMARI BORCHULIA GAON PANCHAYAT
P.O. BHANGNAMARI
P.S. SHILMARI

DIST. NALBARI
ASSAM
PIN 781126

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 10-12-2020

Heard Mr. M.U. Mandal, learned counsel for the petitioners. Also heard Mr. M. Nath, learned Standing Counsel, Panchayat and Rural Development Department for the respondent nos. 1, 2, 4, 5, 6 & 7 and Mr. G. Pegu, learned Junior Government Advocate for the respondent no. 3.

2. The petitioners, 18 in nos., are residents of Village – Kurihamari under Police Station – Shialmari, District – Nalbari. It has been projected that as all the petitioners belong to the Below Poverty Line (BPL) category their names have already been included in the BPL list and are shortlisted for India Awas Yojana (IAY) houses. It has been submitted that on behalf of the petitioners that though their names have been shortlisted for allotment of IAY houses but the benefits under the said scheme have not been extended to them. In that regard, they had preferred a representation before the Deputy Commissioner, Nalbari on 18.02.2018 but the said representation was not considered till the filing of the writ petition. Aggrieved thereby, they have preferred this writ petition.

3. It is submitted by Mr. Mandal, learned counsel for the petitioners that the petitioners deserve to be sanctioned with IAY houses but the respondent authorities have not taken the required steps for allotment of IAY houses till date whereas in the same block comparatively less deserving persons were given the benefits. Mr. Mandal has referred to an order dated 26.09.2014 passed in writ petition, W.P.(C) no. 5055/2014 where the petitioners were similarly situated like the present petitioners and he has submitted for passing similar kind of direction as has been passed in the said order dated on 26.09.2014.

4. Mr. Nath and Mr. Pegu appearing for the respondents have not objected to the said submission made on behalf of the petitioners and submitted that this writ petition can be disposed of with the similar direction as has been passed in the order dated 26.09.2014 in writ petition, W.P.(C) 5055/2014.

5. In view of the above projections from the petitioners' side which have not been objected by the learned counsel for the State respondents, it appears that this writ petition can be disposed of with similar direction as has been given in the order dated 26.09.2014 passed in writ petition, W.P.(C) 5055/2014.

6. Accordingly, it is directed that the Deputy Commissioner, Nalbari shall take the representation dated 18.02.2020 on board for consideration expeditiously and after such consideration, the same shall be disposed of by a speaking order. The necessary consideration be made as expeditiously as possible preferably within a period of 6 (six) weeks from the date of receipt of a certified copy of this order along with the copy of the writ petition, in which the representation dated 18.02.2020 is annexed as Annexure – 2.

7. With the above direction, this writ petition is disposed of without any order as to cost.

JUDGE

Comparing Assistant