

GAHC010024722024



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

**Case No. : PIL/18/2024**

AJIT KUMAR SAHARIA AND 9 ORS  
S/O LATE SISIR KUMAR SAHARIA, R/O VILL-DHAKIN CHUBARI, WARD  
NO. 4, SIPAJHAR MUNICIPAL BOARD, P.O. AND P.S.-SIPAJHAR, DIST-  
DARRANG, PIN CODE-784145

2: HERAMBA MAHANTA  
S/O LATE CHANDRA KANTA MAHANTA  
R/O VILL- BHUKTABARI  
WARD NO. 7  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

3: AMRENDRA SARMA  
S/O LATE MAHENDRA SARMA  
R/O VILL- NAYAKPARA  
WARD NO. 10  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

4: KIRAN KALITA  
S/O LATE CHANDRA KANTA KALITA  
R/O VILL- MAROI  
WARD NO. 8  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

5: BIPLAB KR SAHARIA  
S/O RATUL SAHARIA  
R/O VILL- PACHIM CHUBURI

WARD NO. 2  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

6: GOLAP CHAND NATH  
S/O LATE KOMAL NATH  
R/O VILL- SATGHARIA  
WARD NO. 1  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

7: PRABHAT BANIA  
S/O JINTENDRA BANIA  
R/O VILL- BHUKTABARI PART I  
WARD NO. 3  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

8: NAKUL BARUA  
S/O CHAMPARAN BARUA  
R/O VILL- BHUKTABARI  
WARD NO. 5  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

9: PABAN BARUAH  
S/O LATE BANCHARAM BARUAH  
R/O VILL- BHUKTABARI  
WARD NO. 6  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

10: PRASAD SAIKIA  
S/O LATE NARENDRA SAIKIA  
R/O VILL- DHAKIN CHUBURI  
WARD NO. 9  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR

DIST-DARRANG  
PIN CODE-78414

VERSUS

THE STATE OF ASSAM AND 13 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-  
781006.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
PANCHAYAT AND RURAL DEVELOPMENT  
DISPUR  
GUWAHATI-781006

3:THE PRINCIPAL SECRETARY/COMMISSIONER AND SECRETARY TO THE  
GOVT. OF ASSAM  
FINANCE ECONOMIC AFFAIRS  
FINANCE (ECONOMIC AFFAIRS) DISPUR  
GUWAHATI-781006

4:THE DEPUTY/DISTRICT COMMISSIONER  
  
DARRANG AT MANGOLDOI  
PIN CODE-784125.

5:THE DIRECTOR  
MUNICIPAL ADMINISTRATION  
ASSAM  
DISPUR  
GUWAHATI-6

6:THE DIRECTOR  
TOWN AND COUNTRY PLANNING  
ASSAM  
DISPUR  
GUWAHATI-781006

7:URBAN DEVELOPMENT DEPARTMENT  
ASSAM  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
URBAN DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-6

8:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
URBAN DEVELOPMENT DEPARTMENT  
DISPUR

GUWAHATI-6

9:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM  
URBAN DEVELOPMENT DEPARTMENT DISPUR  
GUWAHATI-6

10:ASSAM STATE ELECTION COMMISSION  
REPRESENTED BY ITS SECRETARY  
HOUSFED COMPLEX  
DISPUR  
GUWAHATI-6.

11:THE MISSION DIRECTOR

PMAY-HFA(U)/DAY-NULM/SBM(U)/AMRUT  
DISPUR  
GUWAHATI-6.

12:THE CIRCLE OFFICER  
SIPJHAR REVENUE CIRCLE  
AND ACTED AS A MAGISTRATE  
SIPJHAR MUNICIPAL BOARD ELECTION  
2022  
DARRANG  
PIN CODE-784145.

13:SIPAJHAR MUNICIPAL BOARD

REPRESENTED BY ITS CHAIRPERSON / WARD MEMBERS /PRINCIPAL  
OFFICER  
SITUATED AT VILLAGE- NAYAKPARA  
WITHIN THE SO CALLED WARD NO.10 OF SIPAJHAR MUNICIPAL BOARD  
P.O AND P.S- SIPAJHAR  
DISTRICT- DARRANG  
PIN CODE-784145.

14:PINAKSHI SARMA  
CHAIRPERSON OF SIPJHAR MUNICIPAL BOARD AND RESIDENT OF  
VILLAGE- CHAIRPERSON OF SO CALLED SIPAJHAR MUNICIPAL BOARD  
P.O AND P.S- SIPAJHAR  
DISTRICT- DARRANG  
PIN CODE-784145

**Advocate for the Petitioner :** MR R K MOUR, MS N BARUAH,MR K J PATHAK,MR P DAS,MR. D SARMA

**Advocate for the Respondent :** GA, ASSAM, SC, FINANCE,SC, ASEC,SC, P AND R.D.

Linked Case : I.A.(Civil)/1117/2024

AJIT KUMAR SAHARIA AND 9 ORS  
S/O LATE SISIR KUMAR SAHARIA  
R/O VILL-DHAKIN CHUBARI  
WARD NO. 4  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

2: HERAMBA MAHANTA  
S/O LATE CHANDRA KANTA MAHANTA  
R/O VILL- BHUKTABARI  
WARD NO. 7  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

3: AMRENDRA SARMA  
S/O LATE MAHENDRA SARMA  
R/O VILL- NAYAKPARA  
WARD NO. 10  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

4: KIRAN KALITA  
S/O LATE CHANDRA KANTA KALITA  
R/O VILL- MAROI  
WARD NO. 8  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

5: BIPLAB KR SAHARIA  
S/O RATUL SAHARIA  
R/O VILL- PACHIM CHUBURI  
WARD NO. 2  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

6: GOLAP CHAND NATH

S/O LATE KOMAL NATH  
R/O VILL- SATGHARIA  
WARD NO. 1  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

7: PRABHAT BANIA  
S/O JINTENDRA BANIA  
R/O VILL- BHUKTABARI PART I  
WARD NO. 3  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

8: NAKUL BARUA  
S/O CHAMPARAN BARUA  
R/O VILL- BHUKTABARI  
WARD NO. 5  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

9: PABAN BARUAH  
S/O LATE BANCHARAM BARUAH  
R/O VILL- BHUKTABARI  
WARD NO. 6  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145

10: PRASAD SAIKIA  
S/O LATE NARENDRA SAIKIA  
R/O VILL- DHAKIN CHUBURI  
WARD NO. 9  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145  
VERSUS

THE STATE OF ASSAM AND 13 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM

URBAN DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-781006

3:THE PRINCIPAL SECRETARY/COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
FINANCE (ECONOMIC AFFAIRS) DEPARTMENT  
DISPUR  
GUWAHATI-781006

4:THE DISTRICT COMMISSIONER  
DARRANG  
MANGOLDOI  
PIN CODE-784125

5:THE DIRECTOR  
MUNICIPAL ADMINISTRATION  
ASSAM  
DISPUR  
GUWAHATI-781006

6:THE DIRECTOR  
TOWN AND COUNTRY PLANNING  
ASSAM  
DISPUR  
GUWAHATI-781006

7:URBAN DEVELOPMENT DEPARTMENT  
ASSAM  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM  
URBAN DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-781006

8:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
URBAN DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-781006

9:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM  
URBAN DEVELOPMENT DEPARTMENT

DISPUR  
GUWAHATI-781006

10:ASSAM STATE ELECTION COMMISSION  
REPRESENTED BY ITS SECRETARY  
HOUSEFED COMPLEX  
DISPUR  
GUWAHATI-781006

11:THE MISSION DIRECTOR  
PMAY-HFA(U)/DAY-NULM/SBM(U)/AMRUT  
DISPUR  
GUWAHATI-781006

12:THE CIRCLE OFFICER  
SIPAJHAR REVENUE CIRCLE  
AND ACTED AS MAGISTRATE  
SIPAJHAR MUNICIPAL BOARD ELECTION  
2022  
DARRANG  
PIN CODE-784145

13:SIPAJHAR MUNICIPAL BOARD  
VILL- NAYAKPARA  
WARD NO. 10  
SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST-DARRANG  
PIN CODE-784145  
REPRESENTED BY ITS CHAIRPERSON/ WARD MEMBERS/ PRINCIPAL  
OFFICER

14:PINAKSHI SARMA  
CHAIRPERSON OF SIPAJHAR MUNICIPAL BOARD  
P.O. AND P.S.-SIPAJHAR  
DIST- DARRANG  
PIN CODE-784145

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Advocate for : MR R K MOUR  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 13 ORS

Linked Case : PIL/37/2023

ANITA DAS AND 5 ORS  
W/O PURNA DAS  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA

DIST-DARRANG  
ASSAM

2: SWASTHI RANI DAS  
W/O DILIP DAS  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA  
DIST-DARRANG  
ASSAM

3: SWAPNA DAS  
W/O TAPAN DAS  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA  
DIST-DARRANG  
ASSAM

4: ABDUL HASEM  
S/O ABDUL AWAL  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA  
DIST-DARRANG  
ASSAM

5: KARTIK KARMAKAR  
S/O LATE KISHORI KARMAKAR  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA  
DIST-DARRANG  
ASSAM

6: ABDUL KARIM CHOWDHURY  
S/O LATE RASUL UDDIN  
R/O VILL-KHETASWAR  
P.O.-KHARUPETIA  
DIST-DARRANG  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 8 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM  
DISPUE  
GUWAHATI-6

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
DISPUR

GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT  
DISPUR  
GUWAHATI-6

4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
DEPARTMENT OF HOUSING AND URBAN AFFAIRS  
DISPUR  
GUWAHATI-6

5:THE DEPUTY COMMISSIONER OF DARRANG  
P.O. AND DIST-DARRANG  
MANGALDAI  
ASSAM  
PIN-784125

6:THE CIRCLE OFFICER  
DALGAON REVENUE CIRCLE  
P.O.-DALGAON  
DIST-DARRANG  
MANGALDAI  
ASSAM  
PIN-784116

7:THE PRESIDENT OF KHARUPETIA TOWN COMMITTEE  
P.O.-KHARUPETIA  
DIST-DARRANG  
MANGALDAI  
ASSAM  
PIN-784115

8:THE CHIEF ELECTORAL OFFICER  
ASSAM  
DISPUR  
GUWAHATI-6

9:THE ELECTORAL REGISTRATION OFFICER  
DALGAON LEGISLATIVE ASSEMBLY CONSTITUENCY  
P.O.-DALGAON  
DIST-DARRANG  
ASSAM  
PIN-784116

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Advocate for : MR. A R SIKDAR  
Advocate for : GA ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

**BEFORE  
HONOURABLE THE CHIEF JUSTICE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 23.09.2024**

*(Vijay Bishnoi, CJ)*

Heard the learned counsel for the petitioners as well as the learned counsels appearing on behalf of the respondents.

This PIL petition is filed by the petitioners being aggrieved with the action of the respondents whereby the area of certain Gram Panchayats is included in the Sipajhar Municipal Board.

Prima facie, we are of the view that any resident/residents of the above-referred Gram Panchayats is/are aggrieved by the inclusion of area to those Gram Panchayats in the area of Sipajhar Municipal Board; he/they can very well approach in his/their individual capacity by availing appropriate remedy and for that, this PIL petition is not maintainable.

Mr. R. K. Mour, learned counsel for the petitioners, has attempted to convince us that this PIL petition is very much maintainable.

However, we have already disposed of a PIL petition being PIL No. 37/2023, vide order, dated 25.06.2024, of similar nature while granting liberty to the individuals to challenge the action of the State Government of inclusion of certain Gram Panchayat areas in the Municipal Board area.

Hence, we are not inclined to entertain this PIL petition. The PIL petition, accordingly, stands dismissed.

However, the petitioners or other villagers of the concerned Panchayat areas are at liberty to raise their grievance by filing appropriate proceedings in their individual capacity.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**