

GAHC010036482024



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

Case No. : I.A.(Civil)/596/2024

PRADIP BORGOHAIN AND 85 ORS
SON OF LATE UMA KANTA BORGOHAIN, RESIDENT OF NAMDANG
GOHAIN GAON, P.O- KUMURAJAN, P.S- GAURISAGAR, DISTRICT
SIVASAGAR, PIN - 785664.

2: TRIDIP BARUAH
SON OF SRI SUCHIL BARUAH
RESIDENT OF NAZIRA RAJAPOL HANDIQUE GAON
P.O- RAJAPOL. P.S- NAZIRA
DISTRICT SIVASAGAR
PIN - 785685.

3: BISWA NARAYAN DUTTA
SON OF SRI RAMESWAR DUTTA
RESIDENT OF VILL AND P.O- JOYRAPAR
PS AND DISTRICT SIVASAGAR
PIN - 785697.

4: KESHA GOGOI
SON OF SRI GANGADHAR GOGOI
RESIDENT OF VILL- BANGMUKH HANDIQUE
P.O- JOYRAPAR
P.S AND DISTRICT SIVASAGAR
PIN - 785640.

5: PHANIDHAR GOGOI
SON OF SRI BUDHESWAR GOGOI
RESIDENT OF BANMUKH HANDIQUE GAON
P.O- JAYAPAR
P.S AND DISTRICT SIVASAGAR
PIN - 785640.

6: BIMAN BARUAH
SON OF ATUL BARUAH

RESIDENT OF RAJAPOL HANDIQUE GAON
P.O RAJAPOL
P.S- NAZIRA
DISTRICT SIVASAGAR
PIN - 785685

7: RUHINI BURAGOHAIN
SON OF NAGEN BURAGOHAIN
RESIDENT OF VILL- BOKATA KHAMUN GAON
P.O- KHAMUN
P.S- NEMUGURI
DISTRICT SIVASAGAR
PIN - 785697.

8: SUMANTA BARUAH
SON OF DAMODAR BARUAH
RESIDENT OF VILL- CHAWDANG GAON
P.S- CHEREKAPARA
P.O- KUJHIBALI
DISTRICT SIVASAGAR
PIN - 785701.

9: PRANAB BORGOHAIN
SON OF SRI RAMKANTA BORGOHAIN
RESIDENT OF VILL- MECHAGAR AMKOTIA DEMOW KINAR
P.O- AMKOTIA
P.S- NAZIRA
DISTRICT SIVASAGAR
PIN - 785640.

10: PRAKASH GOGOI
SON OF SRI PURNANANDA GOOGI
RESIDENT OF VILL- BETBARI
LUTHURI CHETIA
P.O- MITHA PUKHURI
P.S AND DISTRICT SIVASAGAR.

11: BINOD GOGOI
SON OF BHOGESWAR GOGOI
RESIDENT OF VILL- MOTIACHIGA KONWAR GAON
P.O- RAJMOU
P.S- NAZIRA
DISTRICT SIVASAGAR
PIN - 785685.

12: RUPAM GOGOI
SON OF RADHA GOGOI
RESIDENT OF VILLAGE LEZAI GAON

P.O- NOHAT
P.S - DEMOW
DISTRICT SIVASAGAR
PIN - 785662.

13: DHANIRAM CHETIA
SON OF PADU CHETIA
RESIDENT OF VILLAGE RAJAPOL HANDIQUE GAON
P.O- RAJAPOL
P.S - NAZIRA
DISTRICT SIVASAGAR
PIN - 785685.

14: PARTHA PRATIM PHUKAN
SON OF TIKHESWAR PHUKON
RESIDENT OF VILLAGE BHADHARA
P.O-KHELUA
P.S-SIVASAGAR
DISTRICT SIVASAGAR
PIN - 785701

15: PRANATI PHUKAN
DAUGHTER OFSRI BISHNU RAM PHUKAN
RESIDENT OF VILLAGE- RIRIA
P.O- DEMOWMUKH
P.S- SIVASAGAR
DISTRICT- SIVASAGAR
PIN - 785663.

16: INAJATDDIN AHMED
SON OF LT. NIZAMATUDDIN AHMED
RESIDENT OF VILLAGE RIRIA
P.O- DEMOW MUKH
P.S AND DIST -SIVASAGAR
PIN - 785663.

17: NABAJYOTI GOGOI
SON OF CHANDRA KANTA GOGOI
RESIDENT OF VILLAGE BOKATA KHAMUN GAON
P.S- NEMUGURI
DISTRICT- SIVASAGAR
PIN - 785697.

18: SUROP BORGOHAIN
SON OF SONDHAR BORGOHAIN
RESIDENT OF P.O- KAMURAJAN
P.S-JOYSAGAR
DISTRICT SIVASAGAR

PIN - 785664.

19: RUPAM DUTTA
SON OF DEBAJYOTI DUTTA
RESIDENT OF VILLAGE DICIAN GAON
P.O- DHULIAPAR
P.S-JOYSAGAR
DISTRICT SIVASAGR
PIN - 785640

20: MINTU SAIKIA
SON OF PRADIP SAIKIA
RESIDENT OF P.O- AMGURI
P.S-AMGURI
DISTRICT SIVASAGAR
PIN - 785680.

21: ANUP DUTTA
SON OF KAMAL DATTA
RESIDENT OF VILLAGE DEMOW
P.O- DEMOW
P.S-DEMOW
DISTRICT SIVASAGAR
PIN - 785662.

22: KICHYUT BARUAH
SON OF AMAL BARUAH
RESIDENT OF RESIDENT OF JOYSAGAR MEDICAL COLONY
P.S- JOYSAGAR
DISTRICT- SIVASAGAR
PINCODE- 785640.

23: EKANTA DUTTA
SON OF DEBA DUTTA
RESIDENT OF JOYSAGAR MEDICAL COLONY
P.S- JOYSAGAR
DISTRICT- SIVASAGAR
PINCODE- 785640.

24: RUKHESWAR GOGOI
SON OF MOHENDRA GOGOI
RESIDENT OF VILLAGE CHETIA KOIBARTTA
P.O- MITHAPUKHURI
DISTRICT SIVASAGR
PIN - 785697.

25: PABITRA GOGOI
SON OF DIMBESWAR GOGOI

RESIDENT OF VILLAGE METEKA KUSHUNAGAR
P.O- METEKA
P.S-SIVASAGAR
DISTRICT SIVASAGAR
PIN - 785640.

26: KANCHAN KUMER DEHINGIA
SON OF TUPIDHAR DEHINGIA RESIDENT OF VILLAGE CHERKAPAR
KHELUA GAON
P.O- CHEREKIPAR
IN THE DISTRICT OF SIVASAGAR
PIN- 785640.

27: MANAKH KONWAR
SON OF BHUBAN KONWAR RESIDENT OF VILLAGE MECHAGAR
BURAGOHAIN GAON
P.O- MECHAGARH
P.S.- NAZIRA
IN THE DISTRICT OF SIVASAGAR
PIN- 785685.

28: MONI BORA
DAUGHTER OF BROJEN BORA RESIDENT OF VILLAGE BOHUABARI
P.O- BAMRAJABARI
IN THE DISTRICT OF SIVASAGAR
PIN- 785671.

29: SHIMA GOGOI
SON OF LATE THUKESHWOR GOGOI RESIDENT OF VILLAGE DIBRUAL
P.O- BORBORUAH
IN THE DISTRICT OF SIVASAGAR
PIN- 785640.

30: SANTANU BORGOHAIN
SON OF LATE GUBIN CHANDRA BORGOHAIN RESIDENT OF
P.O- AMKATIA
P.S- NAZIRA
IN THE DISTRICT OF SIVASAGAR
PIN- 785605.

31: MRIDUSMITA SHARMA
WIFE OF JADOV CH SHARMA RESIDENT OF VILLAGE KALOO GAON
P.O- KALOO GAON
IN THE DISTRICT OF SIVASAGAR
PIN- 785666.

32: PURNIMA DUTTA
WIFE OF MUKUT DUTTA RESIDENT OF VILLAGE PAHI GAON

P.O- HOLOGURI
IN THE DISTRICT OF SIVASAGAR
PIN- 785664.

33: MOMI GOGOI
DAUGHTER OF LATE BUPARAM GOGOI RESIDENT OF VILLAGE
NIMAIJAAN GAON
P.O- BHADHARA
IN THE DISTRICT OF SIVASAGAR
PIN- 785640.

34: DAMBARU DEHINGIA
SON OF LATE GANESH DEHINGIA RESIDENT OF VILLAGE- NITAI
PUKHURI KONWAR GAON
P.O- NITAI PUKHURI
P.S- DEMOW
IN THE DISTRICT OF SIVASAGAR
PIN- 785671.

35: JUMI KONWAR GOGOI
WIFE OF MRIDUL KUMAR GOGOI RESIDENT OF VILLAGE-
ROGHURIGURI
P.O-BHADHARA
P.S- SIVASAGAR
IN THE DISTRICT OF SIVASAGAR
PIN- 785640.

36: BHASKAR PHUKAN
SON OF LATE BHABESH PHUKAN
RESIDENT OF NAHARKOTIA MILAN NAGAR

P.O- NAHARKOTIA
PINCODE- 786610

37: GIRIN DEHINGIA
SON OF PUNESHOWAR DEHINGIA RESIDENT OF VILLAGE- DHYAN
DEHINGIA GAON
P.O- PALENGI
P.S- DEMOW
IN THE DISTRICT OF SIVASAGAR
PIN- 785671.

38: MEDINI MOHAN GOGOI
SON OF DURGESHWAR GOGOI RESIDENT OF SONARI TOWN
NAHARALI
WARD NO. 13
PO AND PS SONARI
IN THE DISTRICT OF SIVASAGAR

PIN- 785690.

39: SHANTU BURAGOHAIN
SON OF LATE NUMAL CHANDRA BURAGOHAIN RESIDENT OF VILLAGE-
SUNPURA GOHAIN GAON
P.O- PANIBIL
IN THE DISTRICT OF SIVASAGAR
PIN- 785685.

40: TRILOKYA DEKA
SON OF HALIRAM DEKA
RESIDENT OF JOYSAGAR MEDICAL COLONY
P.S- JOYSAGAR
DISTRICT- SIVASAGAR
PINCODE- 785640.

41: TOFIKUR RAHMAN
SON OF LATE SORIFUR RAHMAN RESIDENT OF VILLAGE- MOHAN GAON
P.O- MONMOHAN GAON
P.S- SONARI
IN THE DISTRICT OF SIVASAGAR
PIN- 785689.

42: LUHIT CHETIA
SON OF SRI MUNIN CHETIA RESIDENT OF VILLAGE- CHEREKAPAR
KHELUA
P.O-CHEREKAPAR
IN THE DISTRICT OF SIVASAGAR
PIN- 785640.

43: PALLAB CHETIA
SON OF SRI SARBESHWAR CHETIA
RESIDENT OF VILLAGE- BHATIAPAR
P.O- BHATIAPARA
DISTRICT- SIVASAGAR
PINCODE- 785667

44: MONJIT RABHA
SON OF LATE RUPESHWAR RABHA
RESIDENT OF VILLAGE- BORBHETA
CHEUNI GAON
P.O- BORBHETA
PINCODE- 785004
DISTRICT- SIVASAGAR.

45: PANKAJ BURAGOHAIN
SON OF SRI ATUL BURAGOHAIN RESIDENT OF VILLAGE- MEEHAGORH

AMKOTIA GAON
P.O- AMKOTIA
P.S- NAZIRA
IN THE DISTRICT OF SIVASAGAR
PIN- 785668.

46: DIPANKAR CHIRING
SON OF SRI DIPAK CHIRING
RESIDENT OF BETBARI NO. 2 KONWAR
P.O- BETBARI
PINCODE- 785640
DISTRICT- SIVASAGAR.

47: JITEN PHUKAN
SON OF LATE NILA KANTA PHUKAN
RESIDENT OF VILLAGE- PANBECHA
P.O- BETTENA

DISTRICT- SIVASAGAR.

48: SRIMATI MINASHI MILL
WIFE OF SRI DARSHAN MILI
RESIDENT OF CHANIMORA
P.O- CHANIMORA
PINCODE- 785640
DISTRICT- SIVASAGAR.

49: INDESHWAR PANING
SON OF LATE ANANTA RAM PANING
RESIDENT OF VILLAGE- BORRPAK

P.O-MACHKHOWA PINCODE- 787058
DISTRICT- DHEMAJI.

50: BIPIN DOWARAH
SON OF LATE CHENERAM DOWARAH
RESIDENT OF PALINGI DHYAN GAON
P.O- PALINGI PINCODE- 785672
DISTRICT- SIVASAGAR.

51: MULU AHMED
SON OF LATE HABIJUDDIN AHMED
RESIDENT OF VILLAGE- DEMOW DEHAJAN TINI ALI
P.O- DEMOW
PINCODE- 785662
DISTRICT- SIVASAGAR.

52: RABDULLA ALI

SON OF AFSU ALI
RESIDENT OF VILLAGE- - 2 NO. BHATGAJ
P.O- DIHING THANA
PINCODE- 785640
DISTRICT- SIVASAGAR.

53: PAPU YADAV
SON OF SRI BABUL YADAV
RESIDENT OF VILLAGE- DEMOW
P.O- DEMOW
PINCODE- 785662
DISTRICT- SIVASAGAR.

54: SRIMATI CHAMPA BORA CHIRING
WIFE OF SRI PADUM CHIRING
RESIDENT OF BETNBARI NO. 2 KONWAR GAON
P.O- MITHAPUKHURI
PINCODE- 785640
DISTRICT- SIVASAGAR.

55: SRIMATI JUNMONI CHETIA CHANGMAI
WIFE OF SRI PROBHA CHANGMAI
RESIDENT OF BETBARI BORPATRA GAON
P.O MITHAPUKHURI
PINCODE- 785640
DISTRICT- SIVASAGAR.

56: SRIMATI NAYANMONI KHANIKAR
WIFE OF SRI RATUL HIRA BARUAH
RESIDENT OF VILLAGE- AMGURI
P.O- MORANHAT
P.O- MORANHAT
PINCODE- 785670
DISTRICT- SIVASAGAR.

57: SRIMATI MONJU BORPATRAGOHAIN
DAUGHTER OF SRI ROMEN CHANDRA PATAR
RESIDENT OF HASHCHARA RAILING CHUTIA GAON
P.O- HAHCHARA KUJIBALI
DISTRICT- SIVASAGAR.

58: SRIMNATI HEMASHREE BORO
WIFE OF SRI BUHWISAT BASUMATARY
RESIDENT OF DHUPGIRI
P.O- SASTRAPARA
PINCODE- 784510
DISTRICT- UDALGURI.

59: AHIDUR RAHMAN
SON OF SRI MOFIJUR RAHMAN
RESIDENT OF VILLAGE- SORAGURI
P.O- DIKHOWMUKH
PINCODE- 785664
DISTRICT- SIVASAGAR

60: SUMIT KUMAR BORAH
SON OF SRI TARA NATH BORAH
RESIDENT OF SONARI TOWN
WARD NO.11

NEAR ASTC BUS STAND
P.O- SONARI

PINCODE- 785690
DISTRICT- SIVASAGAR.

61: SRIMATI GIRIMONI CHETIA GOGOI
WIFE OF SRI TRAILUKYA GOGOI
RESIDENT OF RANGUR NAGAR
P.O- SIVASAGAR
P.S- SIVASAGAR
PINCODE- 785640

DISTRICT- SIVASAGAR.

62: MRIDUL DUTTA
SON OF SRI DILIP DUTTA
RESIDENT OF VILLAGE- PALANGI DHYAN GAON

P.O- PALINGI
P.S- SIVASAGAR
PINCODE- 785672
DISTRICT- SIVASAGAR

63: NAJIBUR RAHMAN
SON OF SRI MUJIBOR RAHMAN
RESIDENT OF PALINGI DHYAN GAON
P.O- PALINGI PINCODE- 785672
DISTRICT- SIVASAGAR.

64: DIJEN HAZARIKA
SON OF- LATE BHUBAN HAZARIKA
RESIDENT OF VILLAGE- BHAT GAZ GAON

PINCODE- 785671
DISTRICT- SIVASAGAR

ASSAM.

65: UTTAM DEHINGIA
SON OF LATE GOKUL DEHINGIA
RESIDENT OF- DEMOW EKARANI GRAND

P.O AND P.S- DEMOW
PINCODE- 785662

DISTRICT- SIVASAGAR
ASSAM.

66: ARUP JYOTI DUTTA
SON OF SRI ANANDA DUTTA
RESIDENT OF VILLAGE- BANDARMARI GAON
PINCODE- 785662
DISTRICT- SIVASAGAR.

67: DIGANTA GOGOI
SON OF LATE NOBIN GOGOI
RESIDENT OF - DEMOW MILAN NAGAR

P.O AND P.O- DEMOW
PINCODE- 785662
DISTRICT- SIVASAGAR.

68: BIKASH GOGOI
SON OF SRI JIBESHWAR GOGOI
RESIDENT OF VILLAGE- NIMAIJAN

P.O- BHADHARA
PINCODE- 785640
DISTRICT- SIVASAGAR

69: SRIMATI MAMONI BHATTACHARYYA
WIFE OF SRI BIKASH BHATTACHARYYA
RESIDENT OF- NEW AMALAPATTY
P.O- SIVASAGAR
PINCODE- 785604
DISTRICT- SIVASAGAR

70: BABY PHUKAN
DAUGHTER OF LATE BHUDESHWAR PHUKAN
RESIDENT OF BETBARI DAW GAON

P.O- MITHAPUKHURI PINCODE- 785640

DISTRICT- SIVASAGAR.

71: SRIMATI PARBATI KUMARI SHARMA
W/O- SRI KHEM PRASAD SHARMA
RESIDENT OFF KASARJ LINE
AMGURI TOWN
P.O- AMGURI
PINCODE- 785680
DISTRICT- SIVASAGAR

72: KAMAL THAPA
S/O- LATE TIL BAHADUR THAPA
RESIDENT OF JOYSARAR
JUNAKI NAGAR

P.O- RUDRASAGAR PINCODE- 785640

DISTRICT- SIVASAGAR.

73: SRIMATI MONIKA PHUKAN
W/O- SRI RANJAN BORGOHAIN
RESIDENT OF VILLAGE- PHULPANICHIGA

P.O- PHULPANICHIGA PINCODE- 785683

DISTRICT- SIVASAGAR

74: SRIMATI BHARTI BEZARUAH
W/O- SRI BORMANDA BEZARUAH
RESIDENT OF NAZIRA TOWN

P.O- NAZIRA
DISTRICT- SIVASAGAR

75: MUNINDRA BORGOHAIN
SON OF SRI GOPAL BORGOHAIN
RESIDENT OF MECHAGAR
DIMOWKINER
P.O- AMKATIA
DISTRICT- SIVASAGAR

76: SRIMATI DIPAMOI CHUTIA
W/O- SRI NRIPENDRA NARAYAN CHUTIA
RESIDENT OF MECHAGAR
DIMOWKINER
P.O- AMKATIA
PINCODE- 785697 DISTRICT- SIVASAGAR

77: RAMIZ ALI
S/O- HUSSAIN ALI
RESIDENT OF VILL- DA-DHARA

P.O- PALENGI
P.S- DEMOW

DIST. SIVASAGAR
ASSAM.
PIN- 785640.

78: BANU RAHMAN
C/O- ABDUL GAFFAR
REDIDENT OF VILL- MEZENGA

DIST. SIVASAGAR
ASSAM
PIN- 785640

79: RAJESH DUTTA
C/O- SUNIL DUTTA
RESIDENT OF VILL- HABIRAM BORA PATH

DIST- SIVASAGAR
ASSAM
PIN- 785640

80: DHANESWARI BASFOR
C/O- BOLOW BASFOR
RESIDENT OF VILL- SIMALUGURI

DIST- SIVASAGAR
ASSAM

81: RAGLU RAMU
C/O- RAGLU KANAYA
RESIDENT OF VILL- DA- DHARA

P.O- PALENGI
P.S.- DEMOW
DIST. SIVASAGAR
ASSAM
PIN- 785640

82: ROFIKUL ROHMAN
C/O- ROYAL ROHMAN
RESIDENT OF VILL- THOWRA BAMUN BARI

P.O- RAJMAI
P.S- DEMOW

DIST. SIVASAGAR
ASSAM.
PIN- 785672.

83: ROBIUL ISLAM
C/O- NAZRU ISLAM

RESIDENT OF VILL- THANAMUKH

DIST. SIVASAGAR
ASSAM
PIN- 785640

84: MUSLIMA BEGUM
C/O- ROYAL ROHMAN
RESIDENT OF VILL- THOWRA BAMUN BARI

P.O- RAJMAI
P.S.- DEMOW

DIST. SIVASAGAR
ASSAM
PIN- 785672.

85: KUSHAL KUMAR DAS
S/O- SRI HARENDRA NATH DAS
RESIDENT OF VILL RONGPUR
P.O.DHULIPARA
PIN- 785640
DIST. SIVASAGAR
ASSAM

86: MINTU BAYAN
SON OF PADMA BAYAN RESIDENT OF AMLAPATTY
P.O- SIVSAGAR
WARD NO. 9
IN THE DISTRICT OF SIVASAGAR
PIN- 78564

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASAM, HEALTH
AND FAMILY WELFARE (A) DEPTT. DISPUR, GUWAHATI-781006, ASSAM

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE (A) DEPARTMENT
DISPUR
GUWAHATI - 781006
ASSAM.

3:THE DIRECTOR
HEALTH SERVICES
HENGABARI
GUWAHATI - 781036
KAMRUP (M) ASSAM.

4:THE JOINT DIRECTOR
HEALTH SERVICES
SIVASAGAR
GUWAHATI - 781036
KAMRUP (M) ASSAM.

5:THE SCREENING COMMITTEE
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH
SERVICES)
HANGABARI
GUWAHATI- 3

For the applicants : Mr. A. Dhak, Advocate
through video-conferencing

For the respondents : Mr. D.P. Borah, S.C. Health.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

10-04-2024

(Vijay Bishnoi, C.J.)

The matter comes up for consideration of IA(Civil) No.596/2024 filed under Section 5 of the Limitation Act, 1963 with the prayer for condonation of delay of 114 days in filing the connected writ appeal.

Mr. D.P. Borah, learned Standing Counsel, Health puts in appearance on

behalf of all the respondents. He submits that he has no objection if the delay is condoned.

In such circumstances, the delay of 114 days in filing the connected writ appeal is condoned.

The interlocutory application is disposed of.

Registry is directed to register the connected writ appeal and list the same after four weeks for admission.

JUDGE

CHIEF JUSTICE

Comparing Assistant