

GAHC010005142022



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

**Case No. : WP(C)/232/2022**

RINA PHUKON  
W/O. LATE ARUN PHUKON, R/O.  
TENPUR, MISSIONPATTY, WARD NO. 3,  
P.O. AND P.S.  
GOLAGHAT, DIST  
GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 14 ORS.  
REPRESENTED  
BY THE COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM, DEPARTMENT  
OF SOCIAL WELFARE, DISPUR, GUWAHATI  
6

2:THE DEPUTY COMMISSIONER  
GOLAGHAT  
DIST GOLAGHAT

ASSAM  
PIN 785621.

3:THE SUPDT. OF POLICE  
GOLAGHAT

DIST GOLAGHAT  
ASSAM.

4:SMT. SULAKSHANA BARPATRA GOHAIN

EXECUTIVE MAGISTRATE  
CUM IN CHARGE  
WOMEN CELL

GOLAGHAT

GOLAGHAT  
DIST  
ASSAM  
PIN 785621

5:THE DISTRICT SOCIAL WELFARE OFFICER

GOLAGHAT  
PIN 785621.

6:SMT. MONALISA BORA PHUKON  
AGED ABOUT 38 YEARS  
W/O. LATE  
BEDANTA KUMAR PHUKAN

RESIDENT OF TENPUR  
MISSION  
PATTY  
WARD NO.3  
P.O. AND P.S  
GOLAGHAT  
DISTRICT GOLAGHAT

785621.

7:SMT. DIPA PHUKON @ DEEPA PHUKON

D/O. LATE NARENDRA  
NATH PHUKON  
PRESENTLY RESIDENT  
OF TENPUR  
MISSION PATTY  
WARD  
NO. 3  
GOLAGHAR  
DIST GOLAGHAT

ASSAM  
PIN 785621.

8:SRI AJIT GOGOI

S/O. SRI JOGESWAR  
GOGOI  
PERMANENT RESIDENT OF  
MATHADANG GAON  
PO  
PULIKAITONI  
MOUZA GHILADHARI

PO GHILADHARI  
PS GHILADHARI

DIST GOLAGHAT  
ASSAM  
PIN  
785602.

9:THE SECRETARY  
DISTRICT LEGAL  
SERVICE AUTHORITY  
GOLAGHAT.

10:THE GOVERNMENT PLEADER  
GOLAGHAT  
DIST GOLAGHAT  
PIN  
785621.

11:DR. SUNITA EKKA  
SKKC  
HOSPITAL  
GOLAGHAT  
DIST  
GOLAGHAT  
PIN 785621.

12:THE PRESIDENT  
JILA PARISHAD

GOLAGHAT  
DIST GOLAGHAT  
PIN  
785621.

13:THE PRESIDENT  
GOLAGHAT JILA  
MAHILA SAMITTEE  
DIST GOLAGHAT

PIN 785621.

14:THE PRESIDENT

GOLAGHAT  
MAHILA GOT NGO

NIRMAN  
BENGENAKHOWA  
GOLAGHAT  
DIST  
GOLAGHAT  
PIN 785621.

15:SMTI. JAYASHREE GOGOI JAISWAL  
W/O SRI DURGA JAISWAL

GOLAGHAT  
ADVOCATE  
DISTRICT BAR  
ASSOCIATION  
GPOLAGHAT  
ASSAM

PIN 785621

**Advocate for the Petitioner** : MR R DHAR, MR. N N UPADHAYA,MR B C MUCHAHARY

**Advocate for the Respondent** : GA, ASSAM, MR. M A I HUSSAIN (R-6),MR. A R BHUYAN (R-6),MR T GOGOI (r-15),MR. A BORUA (r-15),MS. P BHATTACHARYA (r-15)

**BEFORE**

**THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**Order**

**05.09.2024**

1. Heard Mr. NN Upadhaya, learned counsel for the petitioner. Also heard Ms. S Baruah, learned counsel for the respondent Nos. 1,2,3 and 5 and Ms. P Bhattacharya, learned counsel

for the respondent No. 15.

2. The present writ petition was preferred by the petitioner being aggrieved by an order dated 03.01.2022 issued by In-charge, Women Cell, District Magistrate Officer, Golaghat determining the shares of rent of the petitioner, respondent No. 6 and one Pallab Kishore Phukan, who is not a party in the present case. Said Pallab Kishore Phukan is the youngest son of the petitioner whereas the respondent No. 6 is the daughter-in-law of the petitioner, who married to her elder son, namely, Bedenta Kumar Phukan, who expired on 21.07.2021 and the petitioner's husband Arun Phukan expired on 06.08.2021.
3. The impugned order reflects that a hearing was taken by the authority on the basis of an application filed by the respondent No. 6 i.e. Manalisha Bora Phukan, inter alia, alleging that she is suffering from serious illness for which she needs regular treatment and medication and she requires money and on the basis of such complaint, the share of monthly rents collected from the tenants from the un-divided property belonging to the petitioner and respondents were decided.
4. No instruction has been received by the learned Government Advocate, however, Ms. S Baruah, learned Government Advocate submits that she could not find out any authority under law whereby Woman Cell can act in a manner distributing the share of rental income amongst the claimants.
5. This court is also of the opinion that the Women Cell shall have no authority and jurisdiction under law to act and decide in the manner the impugned decision has been taken.
6. If any party is aggrieved for non maintenance or claim of share of property, the office of the Deputy Commissioner or to say Women Cell under Deputy Commissioner shall have no jurisdictional and authority under law inasmuch as such dispute can be settled in the court of law as provided under different statute like DV Act, 2012, T.P. Act, 1882 etc . It is needless to say that the Deputy Commissioner shall have also no jurisdiction to entertain any complaint alleging misconduct and such allegation can also be determined by the statutory authority like Bar Council of India and not by the Deputy Commissioner or the Women Cell under it.
7. In view of the aforesaid, the impugned order dated 03.01.2022 passed by the Women Cell, District Magistrate Office, Golaghat vide No. GP.33/2012/8172 is set aside and quashed.

8. Writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**