

GAHC010017232019



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

Case No. : WP(C)/735/2019

NAGAON BARA BAZAR COMMITTEE AND 19 ORS.
NAGAON SADAR BARA BAZAR, P.O AND DIST- NAGAON, ASSAM, REGD
UNDER SOCIETIES REGISTRATION ACT, 1860

2: ABDUL KUDDUS HALDAR
S/O- LATE MEGHU HALDAR
VILL- DIMORUGURI BHOTAIATI
P.O- DIMORUGURI
P.S- NAGAO SADAR
DIST- NAGAON
ASSAM
(SECRETARY NAGAON BARA BAZAR COMMITTEE)

3: ZAMAL UDDIN AHMED
S/O- LATE ABDUL KADIR
R/O- 2 NO. PANIAGAON
W NO. 18
NAGAON TOWN
DIST- NAGAON

4: JAINAL ABDIN
S/O- LATE AJIM BEPARI
R/O- KK ROAD
AMIN PATTY
W/ NO. 12
NAGAON TOWN
DIST- NAGAON

5: SANKAR BHOWMIK
S/O- LATE RISHIKESH BHOWMIK
R/O- TOWN GOROSTHAN PATH
W/NO. 11 NAGAON TOWN
DIST- NAGAON

6: NANIGOPAL DUTTA
S/O- LATE RAKHAL DATTA
R/O- CHAKITUP
W/NO. 26
NAGAON TOWN
DIST- NAGAON

7: TAPASH DATTA
S/O- SRI KESH DATTA
R/O- CHAKITUP
CHOTOHAIBAR
DIST- NAGAON

8: HAIBUR RAHMAN
S/O- LATE MUSLEHUDDIN AHMED
R/O- BEGENAATI
CHOTOHAIBAR
DIST- NAGAON

9: HAREKRISHNA PAUL
S/O- LATE KHITISH PAUL
MJ PATH
KACHALUKHOWA
W/NO. 25
NAGAON TOWN
NAGAON

10: AYUB KHAN
S/O- MD. ABUL KALAM
R/O- MADHYASIALMARI
MADHUPUR
DIST- NAGAON

11: MADAN GOPAL BANIK
S/O- LATE BIRENDRALAL BANIK
R/O- SANTIPUR
HAIBARGAON
DIST- NAGAON

12: AMAR AICH
S/O- LATE MANTU AICH
R/O- M AZAD ROAD
BARA BAZAR
W/NO. 13
NAGAON TOWN
NAGAON

13: SANOWAR HUSSAIN

S/O- HAJI ABDUL SAMED
R/O- 2 NO. PANIGAON
W/NO. 18
NAGAON TOWN
DIST- NAGAON

14: ANIL CHANDRA DAS
S/O- LATE KANTA DAS
R/O- CHRISTIAN PATTI
RKB ROAD
W/NO. 11
NAGAON TOWN
DIST- NAGAON

15: ABDUL MALIK
S/O- HAJI SAMED
R/O- 2 NO PAANIGAON
W/NO 18
NAGAON TOWN
DIST- NAGAON

16: GAUTAM PAUL
S/O- LATE GOVINDA CH PAUL
R/O- R K ROAD
W/ NO. 11
NAGAON TOWN
DIST- NAGAON

17: AFAZUDDIN
S/O- LATE SAFARUDDIN
R/O- BEGENAATI
CHOTOHAIBAR
DIST- NAGAON

18: ANANDARAM BARUAH
S/O- LATE FATIK CH BARUAH
BAIDYATUP
CHOTOHAIBAR
DIST- NAGAON

19: SHAMSUL HAQUE
S/O- SONAMIA
R/O- PANIGAON
W/NO 24
NAGAON TOWN
DIST- NAGAON

20: HAZERA KHATUN

W/O- SONAMIA
R/O- PANIGAON
2 NO. W/NO 24
NAGAON TOWN
DIST- NAGAO

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE DEPTT OF URBAN
AREAS DEVELOPMENT, DISPUR, GUWAHATI- 06

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
DISPUR
GUWAHATI- 06

3:THE DEPUTY COMMISSIONER
NAGAON- 782001
ASSAM

4:THE NAGAON MUNICIPAL BOARD
REP. BY ITS EXECUTIVE OFFICER
NAGAON- 782001
ASSAM

5:THE CHAIRMAN
NAGAON MUNICIPAL BOARD
NAGAON- 782001
ASSA

Advocate for the Petitioner : DR. B AHMED

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/1348/2015

BIMAL SAHA and 24 ORS
S/O LT. NABADEEP SAHA VILL- CHOKITUP
P.O. CHUTOHOIBOR
DIST. NAGAON
ASSAM.

2: HARIHAR PAUL

LT. MANINDRA PAUL KHOROM PATTY
P.O. HOIBORGAON
NAGAON
DIST.NAGAON
ASSAM.

3: SHYAMENDRA PAUL
S/O LT. HEMCHANDRA PAUL HOIBORGAON
RABINDRA GOLI P.O. HOIBORGAON
DIST. NAGAON
ASSAM

4: SRI MRITYONJOY PAUL
S/O SHYAMENDRA PAUL HOIBORGAON P.O. HOIBORGAON
RABINDRA GOLI
DIST. NAGAON
ASSAM

5: MONORANJAN PAUL
S/O SHYAMENDRA KRISHNA PAUL HOIBORGAON P.O. HOIBORGAON
RABINDRA GOLI
DIST. NAGAON
ASSAM

6: RINKU KORI
S/O SANJIT KORI VILL- CHOKITUP
CHUTOHOIBOR
DIST. NAGAON
ASSAM.

7: MD. JAMIR UDDIN
S/OLT. AYUB ALI M. AZAD ROAD
P.O. SADAR
DIST. NAGAON

8: GOPESH CH. DAS
S/O LT. SONAMONI DAS R/O CHOTOHOIBOR
NAGIRAJAN P.O. CHOTOHOIBOR DIST. NAGAON

9: GITARANI DEY
W/O LT. NALINI DEY R/O CHOTOHOIBOR
NAGIRAJAN P.O. CHOTOHOIBOR
DIST. NAGAON

10: KAMALA KANTA TRIVEDI
S/O LT. KETIKE MOHAN TRIBEDI R/O HAIBORGAON L.B. ROAD
P.O. HOIBORGAON
DIST. NAGAON

11: MANJU ALI
S/O LT. ABDUL KARIM R/O 2 NO. PANIGAON CHARIKUTI
NAGAON
P.O. SADAR
DIST. NAGAON

12: ABDUL KASEM
S/O LT. MAGU HALDAR R/O DIMURGURI BUTAIHADI P.O. ITACHALI
DIST. NAGAON

13: GOURANGA DAS
S/OLT. GOPAL DAS R/O CHAKITUP
P.O. CHUTOHOIBOR DIST. NAGAON

14: GOPI KANTA DAS
S/O LT. GOPAL DAS R/O CHAKITUP
P.O. CHUTOHOIBOR DIST. NAGAON.

15: MOFIZUL HAQUE
S/O LT. ABDUL KARIM R/O 2 NO. PANIGAON CHARIKUTI NAGAON
DIST. NAGAON
ASSAM.

16: SABIRUDDIN SHAIKH
S/O LT. ABDUL JALIL R/O DIMURGURI LACHITPUR
P.O. ITACHALI
DIST. NAGAON

17: MIR HUSSAIN
S/O LT. ABU BAKKAR R/O KOCHOLUKHOWA ISLAMPATTY P.O. SADAR
DIST. NAGAON

18: JIBAN DAS
S/O LT. GAURANGA CHANDRA DAS R/O CHAKITUP P.O. CHUTOHOIBOR
DIST. NAGAON

19: CHITTARANJAN BHAWAL
S/OLT. GANESH CHANDRA BHAWAL
R/O CHINAPATTY P.O. and P.S. NAGAON DIST. NAGAON
ASSAM.

20: NARAYAN DAS
S/O MARAN DAS R/O KOCHOLU KHOWA P.O. SADAR DIST. NAGAON

21: BISWAJIT BHAWAL
S/O KARTICK BHAWAL CHINA PATTY P.O. SADAR DIST. NAGAON

22: LITON SAHA
S/O LT. SATISH SAHA R/O R.K. ROAD
P.O. SADAR
NAGAON
DIST. NAGAON
ASSAM.

23: SRI SUSANTA DAS
S/O LT. LAKHAN DAS PANIGAON
P.O. SADAR
DIST. NAGAON

24: ZABEDA KHATUN
S/O. LT. ABBED ALI PANIGAON KACHALUKUWA P.O. SADAR DIST.NAGAON

25: RAFIKUL ISLAM
S/O ABDUL RASID MODUPUR
P.O. SADAR NAGAON
DIST. NAGAON
VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE DEPARTMENT OF
URBAN AREAS DEVELOPMENT
DISPUR
GUWAHATI-6.

2:THE NAGAON MUNICIPAL BOARD
REP. BY ITS EXECUTIVE OFFICER
NAGAON - 782001
ASSAM.
3:THE CHAIRMAN

NAGAON MUNICIPAL BOARD
NAGAON- 782001
ASSAM.

4:THE DEPUTY COMMISSIONER

NAGAON
NAGAON - 782001
ASSAM.

5:THE NAGAON BARABAZAR COMMITTEE

NAGAON REP. BY ITS SECRETARY
SADAR BARABAZAR
NAGAON- 782001
ASSAM.

Advocate for : MR.S B LASKAR
Advocate for : MR.S C KHOUNDR-2and3 appearing for THE STATE OF ASSAM
AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

07.03.2024

When these matters were taken on the last occasion, i.e., 04.03.2024, the following order was passed:

“Heard Shri M.J. Quadir, learned counsel for the petitioners. Also heard Shri K. Gogoi, learned State Counsel as well as Shri S.C. Khound, learned counsel for the Nagaon Municipal Board which has been arrayed as respondents in both the writ petitions.

Shri Khound, the learned counsel has submitted that the matter has become infructuous inasmuch as the project in question was not carried on and the amount has been refunded.

Shri Quadir, learned counsel for the petitioner prays for a short accommodation to obtain instructions.

In the interest of justice, let the matters be adjourned to be listed on 07.03.2024.”

The matter has accordingly been listed today.

Heard Shri M.J. Quadir, learned counsel for the petitioners. Also heard Shri K. Gogoi, learned State Counsel as well as Shri S.C. Khound, learned counsel for the Nagaon Municipal Board.

Shri Khound, the learned counsel has submitted that the matter has become infructuous and had also placed before this Court a letter received by him dated

01.03.2024 written by the Nagaon Municipal Board whereby it has been stated that the fund for construction of the Borbazar Market Complex which was received under 10% Pool Fund, Ministry of Housing & Urban Affairs, Government of India had been refunded as the same had remained unutilized.

Shri Quadir, the learned counsel for the petitioners submits that in view of the aforesaid development and as per instructions received by the client, he submits that there may not be any cause of action surviving.

In view of the above, the instant writ petitions are closed.

It is needless to state that in case of any fresh cause of action, the petitioners would be at liberty to approach this Court.

A copy of the written instructions dated 01.03.2024 is made part of the records.

JUDGE

Comparing Assistant