

GAHC010134542022



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

Case No. : PIL(Suo Moto)/3/2022

XXX
XXX

VERSUS

IN RE- THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR,
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE DEPUTY COMMISSIONER
NAGAON
OLD TRUNK ROAD
CHRISTIANPATTY
NAGAON-782001

4:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-781007

5:THE SUPERINTENDENT OF POLICE
NAGAON
ASSA

Advocate for the Petitioner : SC, GHC

Advocate for the Respondent :

Linked Case : WP(C)/239/2024

RASHIDA KHATUN
W/O- LATE SAFIQUUL ISLAM

R/O- VILLAGE SALONIBARI
NAGAON

P.O- AMLAKHIGAON

P.S- DHING

DIST- NAGAON

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REP. BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06

2:PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06
3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-07
4:THE SUPERINTENDENT OF POLICE
NAGAON

O/O THE SUPERINTENDENT OF POLICE
CHRISTIANPATTY
NAGAON
PIN-782001
ASSAM
5:THE DISTRICT COMMISSIONER
OLD TRUNK ROAD
CHRISTIANPATTY

NAGAON
PIN-782001
ASSAM
6:THE OFFICER IN CHARGE
BATADRAVA POLICE STATION
BATRADAVA SARUHISA
BORDUA
NAGAON
ASSAM
PIN-782122
7:THE OFFICER IN CHARGE
OF AHOMGAON POLICE OUTPOST
JAJORI ROAD
TUKTUKI
AHOMGAON
PIN-782123
NAGAON
ASSAM
8:THE OFFICER IN CHARGE
OF DHING POLICE STATION
DHING CHARIALI
NAGAON
PIN-782123
ASSAM

Advocate for : MR. Z KHALID
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

22.05.2024

(Vijay Bishnoi, CJ)

PIL (Suo Moto) 3/2022

Mr. D. Nath, learned Senior Government Advocate, Assam, appearing for the respondents has submitted that compensation to the 6 (six) persons, whose houses were demolished have already been paid by the Superintendent of Police, Nagaon. In

this regard, he has produced a copy of the letter dated 20.05.2024, issued by the Superintendent of Police, Nagaon, to the Assistant Inspector of General of Police (Law), Assam, which reads as under:

“Memo No. G/Acctts/NGN/2024/2698 dated 20.05.2024

To

*The Asstt. Inspector General of Police (Law),
Assam, Ulubari, Guwahati*

Sub: Submission of A.P.R. (Actual Payment Receipt)

Ref: Memo No. GLB/PIL (Suo-Moto) N. 3/2022/223/87

Dated 16.05.2024.

With reference to the subject cited above, I have the honour to submit herewith the Actual Payment Receipts of the following persons/beneficiaries towards payment of compensation amount as shown below in compliance with the Hon'ble High Court's order.

<i>Sl. No.</i>	<i>Name</i>	<i>Account No.</i>	<i>Amount (Rs)</i>
<i>1</i>	<i>Inamul Haque, S/o Eman Ali, Vill Salnabori P.S. Dhing, Dist. Nagaon</i>	<i>39298016852</i>	<i>5,00,000.00</i>
<i>2</i>	<i>Rabbul Islam S/o Eman Ali, Vill Salnabori P.S. Dhing, Dist. Nagaon</i>	<i>36519132046</i>	<i>5,00,000.00</i>

3	Hafizur Rahman, S/o Eman Ali, Vill Salnabori P.S. Dhing, Dist. Nagaon	39122945414	2,50,000.00
4	Mojibur Rahman, S/o Lt. Hamed Ali, Vill Salnabori P.S. Dhing, Dist. Nagaon	32736515676	12,50,000.00
5	Rafiqul Islam, S/o Lt. Hamed Ali, Vill Salnabori P.S. Dhing, Dist. Nagaon	33574738982	2,50,000.00
6	Akkas Ali, S/o Late Innas Ali Vill Salnabori P.S. Dhing, Dist. Nagaon	7237026040558	2,50,000.00

Enclo: As stated above

Yours faithfully

Sd/-

Superintendent of Police

Nagaon, Assam"

Mr. D. Nath, learned counsel has further submitted that compensation in respect of the death of one Safiquil Islam, S/o Late Hamed Ali, who died during the demolition drive, could not be paid since 'Next of Kin' certificate has not been produced till date. He submits that compensation to the family members/legal heirs of said Late Safiquil Islam will be paid as soon as the 'Next of Kin' certificate is submitted.

Mr. D. Nath has prayed for four weeks' time to apprise this Court regarding the action taken against the erring officials who were responsible for demolition of the houses of the affected persons illegally.

Time prayed for is granted.

WP(C) 239/2024

Mr. D. Nath, learned counsel has submitted that affidavit on behalf of respondent Nos. 3 and 4 has already been filed.

Mr. Z. Khalid, learned counsel for the petitioner submits that he is in receipt of a copy of the said counter affidavit. He prays for some time to file rejoinder to the counter affidavit filed by the respondent Nos. 3 and 4.

List these matters on **26.06.2024**.

JUDGE

CHIEF JUSTICE

Comparing Assistant