

GAHC010095112020



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

**Case No. : WP(C)/2843/2020**

SMTI. GITIMOLLIKA BORA  
W/O SHRI TIKEDRAJEET SAIKIA, R/O VILL-CHARINGIA GAON, P.O.-  
CHARINGIA, DIST-JORHAT, ASSAM, PIN-

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM,  
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER  
IRRIGATION DEPARTMENT  
ASSAM  
CHANDMARI  
GUWAHATI-3

3:THE ADDITIONAL CHIEF ENGINEER  
ZONE-III  
IRRIGATION  
ASSAM  
JORHAT-1  
PIN-

4:THE ASSAM PUBLIC SERVICE COMMISSION  
GUWAHATI. REPRESENTED BY ITS SECRETARY  
GUWAHATI  
ASSAM

**Advocate for the Petitioner : DR. B AHMED**

**Advocate for the Respondent : SC, IRRIGATION**

Linked Case : I.A.(Civil)/345/2021

KUNAL KASHYAP THAKURIA AND 10 ORS.  
S/O. HIENDRA NATH THAKURIYA  
R/O. H/NO. 7  
BATHOUTHANCHALIPATH  
NEAR M.P. ACCADEMY  
KHERAIKUSHI  
CHANDAN NAGAR  
GHORAMARA  
BELTOLA  
GHY-40

2: HELINA NARZARY  
D/O JOTISH KUMAR NARZARY  
R/O UZAN BAZAR  
BAROWARI  
RLY. CLN. QTR. NO. L/124 B  
GUWAHATI-781004  
DIST. KAMRUP (M)  
ASSAM

3: GAYATRI CHOUDHURY  
D/O AJIT CHOUDHURY  
R/O TOWN-BORPARA  
BONGAIGAON  
WARD NO. 23  
PIN-783380  
DIST. BONGAIGAON  
ASSAM

4: DAVID BORKAKOTI  
S/O TARULATA BORKAKOTI  
R/O HOUSE NO. 172  
G.N.P. ROAD  
CHANDMARI COLONY  
NEAR SHEPHERD SCHOOL  
DIST. KAMRUP (M)  
ASSAM  
PIN-781003

5: KARAM VIR ISLARY  
S/O ABHINASH ISARY  
R/O H. NO. 109

HATHIMATHA ROAD  
KOKRAJHAR  
P.O. AND DIST. KOKRAJHAR  
ASSAM  
PIN-783370

6: DEEBAJEET BARMAN  
S/O KAMALISWAR BARMAN  
R/O A.I.D.C. NABIN NAGAR  
TRIBANI PATH  
HOUSE NO. 31  
NANAKVILLA  
DIST. KAMRUP (M)  
ASSAM  
PIN-781024

7: KISHORE KUMAR CHOUDHURY  
S/O DINO BANDHU CHOUDHURY  
R/O VILL. KALLIYAPARA  
P.O. MONIARI TINIALI  
PIN-781125  
DIST. KAMRUP  
ASSAM

8: KAMRUZ ZAMAN  
S/O NURUZ ZAMAN  
R/O NEAR TARA JAN HIGH SCHOOL JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

9: RITUPOBAN DOUL BARUAH  
S/O RAJEN DOUL BARUAH  
R/O MILAN NAGAR  
JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

10: MOON MOON TISSOPI  
D/O ROBIRAM TISSO  
R/O VILL. TUMPRENG TISSO GAON  
P.O. TUMPRENG  
PIN-782485  
DITS. WEST KARBI ANMGLONG

11: PRIYANUJ MAHANTA  
S/O ANIL MAHANTA

R/O BARMUKH CHUTIYA GAON  
P.O. JOYRAPAR  
PIN-785697  
DIST. SIVASAGAR  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE CHIEF SECY.  
GOVT. OF ASSAM

2:SECRETARY  
TO THE GOVT. OF ASSAM PUBLIC HEALTH ENGINEERING DEPTT.  
3:ASSAM PUBLIC SERVICE COMMISSION  
REP. BY THE SECRETARY TO THE COMMISSION JOYANAGAR  
KHANAPARA  
GHY-22

4:CHIEF ENGINEER PUBLIC HEALTH ENGINEERING  
PUBLIC HEALTH ENGINEERING DEPTT. BAMUNIMAIDAN  
GHY-781021

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Advocate for : MR. D P CHALIHA  
Advocate for : SC  
APSC appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3504/2020

SIDDHARTH RAJKHOWA AND 36 ORS.  
SON OF SHRI MANISH RAJKHOWA  
RESIDENT OF K. K. BHATTA LANE  
SHANKAR- MADHAV SUB- BYLANE  
H. NO-1  
HATIGAON  
GUWAHATI781038  
DISTRICT KAMRUP (M).

2: MS POLY DEKA

DAUGHTER OF LATE BIRAJ KUMAR DEKA  
RESIDENT OF HOUSE NO 28  
SWAHID PATH  
SURVEY  
BELTOLA  
ASSAM  
PIN 781028.

3: SHRI KRISHNAV JYOTI SARMA  
SON OF SHRI NARENDRA NATH SARMA  
RESIDENT OF AMBIKAGIRI NAGAR  
KAMALA PATH  
HOUSE NO. 4  
ASSAM  
PIN 781024

4: MS. SIKHA SARMA  
DAUGHTER OF SHRI NAGEN SARMA  
RESIDENT OF VILLAGE RAIBORY (BRAHMUNPARA)  
PO BONGARA  
PS PALASHBARI  
DIST KAMRUP  
PIN 781015

5: SHRI NAYANA KUMAR  
DAUGHTER OF LATE DINESH KUMAR DAS  
RESIDENT OF MEGHMALLAR APARTMENT  
FLAT NO. 103  
F.C. ROAD  
UZANBAZAR  
LATASIL  
GUWAHATI  
PIN 781001

6: MS. DITIMONI GOGOI  
DAUGHTER OF LATE TIRTHA NATH GOGOI  
RESIDENT OF C/O TARUN CHOUDHURY  
VILLAGE SOALKUCHI  
KANCHAN NAGAR  
P.O SOALKUCHI  
GUWAHATI  
ASSAM  
KAMRUP (R)  
PIN 781103

7: MS. MINAKSHI DAS  
DAUGHTER OF SHRI MUKUNDA CHANDRA DAS  
RESIDENT OF ABS HERMITAGE  
RUPKONWAR PATH  
BYLANE NO 2  
HENGRABARI  
GUWAHATI  
PIN 781036

8: MS. PRANITA KALITA

DAUGHTER OF BHUPESH CHANDRA KALITA  
RESIDENT OF HENGRABARI  
LICHUBAGAN  
ZARNAPAR PATH  
HOUSE NO 5  
GHY 781036

9: SHRI MRIDUL BARMAN  
SON OF JYOTISH CH BARMAN  
RESIDENT OF BHASKAR NAGAR  
ZOO ROAD TINIALI  
2ND BYE LANE  
MILIJULI CHOWK  
HOUSE NO 12  
GUWAHATI 781021

10: SHRI BANAJIT DAS  
SON OF SHRI DINESWAR DAS  
RESIDENT OF C/O THE INSTITUTION OF ENGINEERS (INDIA)  
ASSAM STATE CENTRE  
BUILDING CAMPUS  
GUWAHATI 781001

11: SHRI NAYANJYOTI KALITA  
SON OF SHRI PRAMOD CH. KALITA  
RESIDENT OF SATGAON  
DALBARI  
BEHIND PHE WATER TANK  
JONAKI PATH  
H.NO 66  
ASSAM  
PIN 781071

12: MS HOMAKALA DEVI  
DAUGHTER OF SHRI NAR BAHADUR BHATTARAI  
RESIDENT OF ASEB COLONY  
NARENGI  
QRT. NO. TYPE VI/01/02  
P.O. NARENGI  
PS NOONMATI  
KAMRUP (M)  
GUWAHATI 781026

13: SHRI ANGSHUMAN TALUKDAR  
SON OF DILIP TALUKDAR  
RESIDENT OF DHRUBAJYOTI PATH  
H.NO 2  
RGB ROAD P.O. ZOO ROAD

P.S. GITANAGAR  
DISTRICT KAMRUP(M)  
ASSAM  
PIN 781024

14: MS MANIMALA DAS  
DAUGHTER OF SHRI JOGEN CHANDRA DAS  
RESIDENT OF E.S.I.C STAFF COLONY  
BAMUNIMAIDAM  
GUWAHATI  
P.S CHANDMARI  
P.O BAMUNIMAIDAM  
GUWAHATI 781021  
DISTRICT KAMRUP (M).

15: MS HIMASHRI KALITA  
DAUGHTER OF CHANDRA KANTAKALITA  
RESIDENT OF WARD NO.9  
PATHSALA  
P.O PATHSALA  
PIN 781325  
DISTRICT BARPETA  
ASSAM

16: MS GITUMONI GOGOI  
DAUGHTER OF INDRAJITGOGOI  
RESIDENT OF 2 NO. NAOHOLIA  
P.O. NAOHOLIA  
DIST DIBRUGARH  
ASSAM  
PIN 786191

17: MS PRANAMI BORAH  
DAUGHTER OF LATE HAREN BORAH  
RESIDENT OF LEPETKATTAKACHARI GAON. P.O./P.S BARBARUAH  
PIN 786007  
DIBRUGARH  
ASSAM

18: SHRI ANUPAM SONOWAL  
SON OF MUNINDRA NATH SONOWAL  
RESIDENT OF VILLAGE KHONIA GAON CHOWKIDINGHEE  
PS MILAN NAGAR PO KHONIA GAON  
PIN 786003.

19: SHRI NAYANMONI HAZARIKA  
SON OF SHRI BASANTA HAZARIKA  
RESIDENT OF VILLAGE CHAGALICHUBURI

P.O BIHAGURI  
P.S TEZPUR  
DISTRICT SONITPUR  
ASSAM 784153

20: MS SUSHMA DAS  
DAUGHTER OF SHRI SWADESH DAS  
RESIDENT OF HOUSE NO 644 VILLAGE FATASHILGANESHPARANEAR  
MILONJYOTI CLUB  
P.O. DHIRENPARA  
P.S FATASHIL AMBARI  
PIN 781025

21: MS BARASHA KALITA  
DAUGHTER OF SHRI PARESH CH. KALITA  
RESIDENT OF SAWKUCHI  
JONAKINAGAR  
BYE LANE 6  
HOUSE NO 5  
P.O. SAWKUCHI  
GUWAHATI 781040

22: SHRI PRITHIRAJ BASUMATARY  
SON OF SHRI PRABINBASUMATARY  
RESIDENT OF VILLAGE LURI  
P.O NARTAP  
SONAPUR  
KAMRUP METRO  
PIN 782402

23: SHRI BIKASH MANDAL  
SON OF SHRI BIRENMANDAL  
RESIDENT OF SALBARI  
PIPELINE  
WARD NO 12  
NORTH BONGAIGAON  
DISTRICT BONGAIGAON  
BONGAIGAON  
ASSAM  
PIN 783380

24: MS BHARGOBI GOGOI  
DAUGHTER OF SHRI GIRISH GOGOI  
KHUMTAI GAON  
P.O DAKHINHENGRA  
GOLAGHAT

25: MS PRAGYA BORA



DAUGHTER OF SHRI KULENDRA BORA  
NAMCHONIA GAON  
P.O. KAMARBANDHA ALI  
PIN 785625  
DIST GOLAGHAT  
ASSAM

26: MS RISHMA HUSSAIN  
DAUGHTER OF MD ABUL HUSSAIN  
VILLAGE MARUACHOWKI  
POST OFFICE MARUACHOWKI  
DISTRICT DARRANG (ASSAM)  
POLICE STATION SIPAJHAR  
PIN 784145

27: SHRI SIMANGSHA MACHAHARI  
SON OF SHRI RUBENDRAMACHAHARI  
RESIDENT OF VILLAGE BWIGRIGURI  
P.O./P.S. UDALGURI  
DIST UDALGURI  
ASSAM  
PIN 784509.

28: SHRI JATIN KAKATI  
SON OF SHRI MAHENDRA CHANDRA KAKATI  
RESIDENT OF VILLAGE AMGAON  
P.O BONDA  
NARANGI  
P.S PRAGJYOTISHPUR  
DISTRICT KAMRUP (M)  
PIN 781026  
ASSAM

29: SHRI SANTANU BARUAH  
SON OF SHRI MOHAN BEZBARUAH  
RESIDENT OF NABAGRAHA ROAD  
CHANDANGIRI  
H/NO. 09  
P.O SILPUKHURI  
DIST KAMRUP (M)  
GUWAHATI  
ASSAM. PIN 781003

30: SHRI KRISHNA MOHAN MONDAL  
SON OF MANGAL CH MONDAL  
RESIDENT OF VILLAGE BALARCHAR PART 1  
P.O KIRTANPARA  
PS MERERCHAR

PIN 783384  
BONGAIGAON  
ASSAM

31: SHRI BHASKAR PRATIM DEKA  
SON OF DANESWAR DEKA  
RESIDENT OF VILLAGE SAIKIAPARA  
P.O MENAPARA  
PIN 784146  
P.S MANGALDAI  
DIST DARRANG (ASSAM)

32: MD ABDUL HYE SHEIKH  
SON OF MD AYNAL HOQUE RESIDENT OF VILLAGE POLASHGURI NO. 1  
P.O. SAPKATA P.S GOSSAIGAON  
DISTRICT KOKRAJHAR (BTR)  
ASSAM  
PIN 783360

33: SHRI RAJDEEP BORAH  
SON OF SHRI LABARAM BORAH  
RESIDENT OF VILLAGE GANAKDALANI  
PO DHALPUR  
DISTTICE LAKHIMPUR  
PIN 784165

34: SHRI SUDARSAN SANKAR BORA  
SON OF SHRISATYENDRA NATH BORA  
MANAI MAJI GAON  
MALOW ALI  
P.O DHEKARGARAH  
JORHAT 785001

35: MD MEHDI HASAN  
SON OF MD. JULHAS ALI  
RESIDENT OF VILLAGE NEW KARAITARY  
P.O FAKIRAGRAM  
P.S FAKIRAGRAM  
DISTRICT KOKRAJHAR  
PIN 783345

36: SHRI JYOTISH KALITA  
SON OF SHRI PADMA KALITA  
RESIDENT OF VILLAGE GARAMUR DULIA GAON  
OPPOSITE JORHAT RADIO STATION COLONY  
P.O JORHAT ENGINEERING COLLEGE  
PIN 785007  
JORHAT

ASSAM

37: MS APARAJITA DAS  
DAUGHTER OF LATE MUKUL CHANDRA DAS  
RESIDENT OF HOUSE NO. 15  
NIRIBILI PATH  
RUKMINIGAON  
GUWAHATI  
PIN 781028  
VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM  
IRRIGATION DEPARTMENT  
DISPUR  
GUWAHATI 781006  
ASSAM.

2:THE CHIEF ENGINEER  
IRRIGATION DEPARTMENT  
CHANDMARI  
GUWAHATI 781003  
ASSAM.

3:THE ASSAM PUBLIC SERVICE COMMISSION

REPRESENTED BY ITS SECRETARY  
KHANAPARA  
GUWAHATI 781022  
ASSAM

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Advocate for : MR. U K NAIR  
Advocate for : SC  
APSC appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : I.A.(Civil)/1264/2021

KUNAL KASHYAP THAKURIYA AND 10 ORS.  
S/O HIENDRA NATH THAKURIA  
R/O HOUSE NO. 7  
BATHOUTHANCHALIPATH  
NEAR M.P. ACCADEMY  
KHERAIKUSHI  
CHANDAN NAGAR  
GHORAMARA  
BELTOLA  
GHY-781040

2: HELINA NARZARY  
D/O JOTISH KUMAR NARZARY  
R/O UZAN BAZAR  
BAROWARI  
RLY. CLN. QTR. NO. L/124 B  
GUWAHATI-781004  
DIST. KAMRUP (M)  
ASSAM

3: GAYATRI CHOUDHURY  
D/O AJIT CHOUDHURY  
R/O TOWN-BORPARA  
BONGAIGAON  
WARD NO. 23  
PIN-783380  
DIST. BONGAIGAON  
ASSAM

4: DAVID BORKAKOTI  
S/O TARULATA BORKAKOTI  
R/O HOUSE NO. 172  
G.N.P. ROAD  
CHANDMARI COLONY  
NEAR SHEPHERD SCHOOL  
DIST. KAMRUP (M)  
ASSAM  
PIN-781003

5: KARAM VIR ISLARY  
S/O ABHINASH ISARY  
R/O H. NO. 109  
HATHIMATHA ROAD  
KOKRAJHAR  
P.O. AND DIST. KOKRAJHAR  
ASSAM  
PIN-783370

6: DEEBAJEET BARMAN  
S/O KAMALISWAR BARMAN  
R/O A.I.D.C. NABIN NAGAR  
TRIBANI PATH  
HOUSE NO. 31  
NANAKVILLA  
DIST. KAMRUP (M)  
ASSAM  
PIN-781024

7: KISHORE KUMAR CHOUDHURY  
S/O DINO BANDHU CHOUDHURY  
R/O VILL. KALLIYAPARA  
P.O. MONIARI TINIALI  
PIN-781125  
DIST. KAMRUP  
ASSAM

8: KAMRUZ ZAMAN  
S/O NURUZ ZAMAN  
R/O NEAR TARA JAN HIGH SCHOOL JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

9: RITUPOBAN DOUL BARUAH  
S/O RAJEN DOUL BARUAH  
R/O MILAN NAGAR  
JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

10: MOON MOON TISSOPI  
D/O ROBIRAM TISSO  
R/O VILL. TUMPRENG TISSO GAON  
P.O. TUMPRENG  
PIN-782485  
DITS. WEST KARBI ANMGLONG

11: PRIYANUJ MAHANTA  
S/O ANIL MAHANTA  
R/O BARMUKH CHUTIYA GAON  
P.O. JOYRAPAR  
PIN-785697  
DIST. SIVASAGAR  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE CHIEF SECRETARY GOVT. OF ASSAM

2: SECRETARY  
TO THE GOVT. OF ASSAM PUBLIC HEALTH ENGINEERING DEPTT.  
3: ASSAM PUBLIC SERVICE COMMISSION  
REP. BY THE SECRETARY TO THE COMMISSION JOYANAGAR  
KHANAPARA  
GHY-22

4:CHIEF ENGINEER PUBLIC HEALTH ENGINEERING  
PUBLIC HEALTH ENGINEERING DEPTT. BAMUNIMAIDAN  
GHY-781021

-----  
Advocate for : MR. D P CHALIHA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3433/2020

KUNAL KASHYAP THAKURIA AND 10 ORS.  
S/O HIENDRA NATH THAKURIA  
R/O HOUSE NO. 7  
BATHOUTHANCHALIPATH  
NEAR M.P. ACCADEMY  
KHERAIKUSHI  
CHANDAN NAGAR  
GHORAMARA  
BELTOLA  
PIN-781040  
DIST. KAMRUP (M)  
ASSAM

2: HELINA NARZARY  
D/O JOTISH KUMAR NARZARY  
R/O UZAN BAZAR  
BAROWARI  
RLY. CLN. QTR. NO. L/124 B  
GUWAHATI-781004  
DIST. KAMRUP (M)  
ASSAM

3: GAYATRI CHOUDHURY  
D/O AJIT CHOUDHURY  
R/O TOWN-BORPARA  
BONGAIGAON  
WARD NO. 23  
PIN-783380  
DIST. BONGAIGAON  
ASSAM

4: DAVID BORKAKOTI  
S/O TARULATA BORKAKOTI  
R/O HOUSE NO. 172  
G.N.P. ROAD

CHANDMARI COLONY  
NEAR SHEPHERD SCHOOL  
DIST. KAMRUP (M)  
ASSAM  
PIN-781003

5: KARAM VIR ISLARY  
S/O ABHINASH ISARY  
R/O H. NO. 109  
HATHIMATHA ROAD  
KOKRAJHAR  
P.O. AND DIST. KOKRAJHAR  
ASSAM  
PIN-783370

6: DEEBAJEET BARMAN  
S/O KAMALISWAR BARMAN  
R/O A.I.D.C. NABIN NAGAR  
TRIBANI PATH  
HOUSE NO. 31  
NANAKVILLA  
DIST. KAMRUP (M)  
ASSAM  
PIN-781024

7: KISHORE KUMAR CHOUDHURY  
S/O DINO BANDHU CHOUDHURY  
R/O VILL. KALLIYAPARA  
P.O. MONIARI TINIALI  
PIN-781125  
DIST. KAMRUP  
ASSAM

8: KAMRUZ ZAMAN  
S/O NURUZ ZAMAN  
R/O NEAR TARAJAN HIGH SCHOOL JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

9: RITUPOBAN DOUL BARUAH  
S/O RAJEN DOUL BARUAH  
R/O MILAN NAGAR  
JORHAT  
P.O. P.S AND DIST. JORHAT  
ASSAM  
PIN-785001

10: MOON MOON TISSOPI  
D/O ROBIRAM TISSO  
R/O VILL. TUMPRENG TISSO GAON  
P.O. TUMPRENG  
PIN-782485  
DITS. WEST KARBI ANMGLONG

11: PRIYANUJ MAHANTA  
S/O ANIL MAHANTA  
R/O BARMUKH CHUTIYA GAON  
P.O. JOYRAPAR  
PIN-785697  
DIST. SIVASAGAR  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE CHIEF SECRETARY GOVT. OF ASSAM

2:SECRETARY  
TO THE GOVT. OF ASSAM PUBLIC HEALTH ENGINEERING DEPTT.  
3:ASSAM PUBLIC SERVICE COMMISSION  
REP. BY THE SECRETARY TO THE COMMISSION JOYANAGAR  
KHANAPARA  
GHY-22

4:CHIEF ENGINEER PUBLIC HEALTH ENGINEERING  
PUBLIC HEALTH ENGINEERING DEPTT. BAMUNIMAIDAN  
GHY-781021

-----  
Advocate for : MR. D P CHALIHA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 05.10.2021**

All sides are duly represented by their learned counsel.

On behalf of Mr. P.N. Goswami, learned Addl. Advocate General, Mr. M.P. Sarma, learned counsel submits that his house is in containment zone and



therefore, he prays for an adjournment.

The said prayer is considered and allowed.

List on 22.11.2021.

**JUDGE**

**Comparing Assistant**