GAHC010082822025

2026:GAU-AS:15610

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

Case No. : WP(C)/2844/2025

SARAT CHANDRA SAHARIA AND 6 ORS.
S/O LATE BANURAM SAHARIA, RESIDENT OF VILLAGE - GADHIAPARA, P.O. CHAPAI CHOWKA, P.S. MANGALDOI, MANGALDOI, DISTRICT - DARRANG, ASSAM, PIN - 784125

2: GHANASHYAM SAHARIAH
S/O LATE PRADIP SAHARIAH
R/O NEAR SHIV MANDIR
GADHIAPARA
CHAPAI CHOWKA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT - DARRANG
ASSAM
PIN - 784125

3: MANJU BARUAH
W/O BHUPEN BARUAH
R/O GADHIAPARA
MEDHIPARA
CHAPAICHOWKA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT - DARRANG
ASSAM
PIN - 784529.

4: BIJU RANI SAHARIA
W/O HARI DUTTA SAHARIA
R/O NEAR RAJAHUWA SHIV MANDIR
GADHIAPARA
CHAPAI CHOWKA

P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT - DARRANG
ASSAM
PIN - 784125.

5: JONALI DEKA
W/O BHADRA KANT
R/O ADHAMAPARA
GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -784125.

6: PADMESWAR SAHARIA
S/O LATE JINARAM SAHARIA
R/O GADHIAPARA
MEDHIPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI MANGALDOI
DARRANG
ASSAM
PIN -784529

7: JAYANTI SAHARIA
W/O LAKSHYA SAHARIA
R/O GADHIAPARA
MEDHIPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DARRANG
ASSAM
PIN -784529

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE SECRETARY, GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, KAMRUP METRO, ASSAM, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
DARRANG
MANGALDOI

PIN -784125

3:THE CIRCLE OFFICER
MANGALDOI REVENUE CIRCLE
MANGALDOI
DISTRICT -DARRANG
PIN -784125.

4:THE PRESIDENT
CHAPAI VILLAGE PANCHAYAT
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DARRANG
ASSAM
PIN -784529.

5:THE SECRETARY
CHAPAI VILLAGE PANCHAYAT
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DARRANG
ASSAM
PIN -784529.

6:SATISH SAHARIA
THE GAON PRADHAN OF GADHIAPARA VILLAGE
R/O GADHIAPARA (SALOIPARA CHUBURI)
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DARRANG
ASSAM
PIN -784529.

7:MAHENDRA SAHARIA
S/O LATE SINTARAM SAHARIA
VILLAGE -GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -784129.

8:CHIKON DEKA
S/O SRI LOKNATH DEKA

R/O -VILLAGE -GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -784129.

9:KESHAB DEKA
S/O SRI POTIRAM DEKA
R/O -VILLAGE -GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -784129.

10:BENU DHAR DEKA
S/O LATE AAKUL DEKA
R/O -VILLAGE -GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -784129.

11:NILAKANTA DEKA
S/O LATE KALIA DEKA
R/O -VILLAGE -GADHIAPARA
P.O. CHAPAI CHOWKA
P.S. MANGALDOI
MANGALDOI
DISTRICT -DARRANG
ASSAM
PIN -78412

Advocate for the Petitioner : MR. R J SARMA,

Advocate for the Respondent : GA, ASSAM, MR. B. KAUSHIK, SC, SEC. EDU.,A. K. KANU(R-6 to 11),MR M AHMED (R-6 to 11)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 14.10.2026

1. Heard Mr. RJ Sarma, learned counsel for the petitioners. Also heard Mr. M Ahmed, learned counsel for respondent Nos.6 to 11.

2. The petitioners seven in numbers, who are residents of Godhiyapara village under Chapai Village Panchayat of Mangaldai, District Darrang, have approached this Court assailing the decision of the authorities to construct a cremation ground named as 'Brihattor Godhiyapara Rajohuwa Samshan', situated at Volunteerpara, Village-Gadhiapara, and the closure of the said cremation ground.

3. The grievance of the petitioners is that, the petitioners along with various other respondent authorities, had represented before the District Commissioner, Darrang, Mangaldai, objecting to the construction of the aforesaid cremation ground, and also for the closure of the said cremation ground, for the reason that it will cause a lot of difficulty and hazard for the residents, and also for the school, namely, Uttar Mangaldai High School and the students thereof. However, no decision has yet been taken.

4. On the other hand, Mr. Ahmed, learned counsel representing the Managing Committee of the cremation ground and the Gaon-Burah of the village, contends that, except these seven petitioners, there is no objection from any quarter of the village or any other stakeholders and it is their contention that such a cremation

ground is very necessary for the nearby villagers.

5. In the opinion of this Court, such determination, so far relating to the place to be chosen for a cremation ground by the authorities, may not be a subject matter of judicial review, inasmuch as, such a decision is akin to a policy decision, taking note of conveniences and inconveniences of the citizens. Until and unless, the same is shown to be arbitrary, irrational, and violative of any constitutional or other right of the petitioners.

6. In the present case, this Court cannot arrive at a satisfaction, as to which place will be fit for construction of a cremation ground, and such a decision should be left to the wisdom of the District Administration.

7. Having said so, this Court cannot also ignore that the District Administration is duty bound to consider the grievances raised by the petitioners through their representation.

8. In view of the aforesaid, the present writ petition stands disposed of, directing the District Commissioner, Darrang, to consider the grievance of the seven petitioners, and pass a speaking order in this regard.

9. While passing the speaking order, the District Commissioner may also hear the Management Committee of the cremation ground, as well as the Gaonburah and the Management of the Uttar Mangaldai High School.

10. The petitioner is permitted to file a fresh representation.

11. In the event, such representation is filed within a period of

10 days from today, the District Commissioner shall consider the same and pass a speaking order after taking note of the claims and counter claims or all the contentions raised between the parties.

12. Such determination be made within a period of 4 weeks from the date of receipt of the representation that may be filed by the petitioners within 10 days along with a certified copy of the writ petition passed today.

13. Taking note of the issues, it is provided that the interim order passed earlier in this proceeding shall continue, till the determination made by the Deputy Commissioner.

14. However, it is made clear that if no such representation is filed within the said period of 10 days, the interim order shall not continue thereafter.

15. While parting with the record, it is made clear that this Court has not expressed any opinion as regards the claims and counterclaims of the parties, and it is the District Administration/District Commissioner, who is to apply its own mind and take a decision in this regard, without being influenced by any observations made in this proceeding.

JUDGE

Comparing Assistant