

GAHC010116872021



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

Case No. : PIL/44/2021
PIL 46/2021

JITUL DEKA
S/O KARUNA DEKA, R/O DADARA P.O. DADARA P.S. HAJO, KAMRUP
ASSAM, PIN-781104

VERSUS

THE STATE OF ASSAM AND 9 ORS
REP. BY CHIEF SECRETARY GOVT. OF ASSAM, DISPUR, GUWAHATI

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM HOME AND POLITICAL DEPTT. DISPUR
GUWAHATI

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI

4:THE SUPERINTENDENT OF POLICE
CACHAR
ASSAM

5:THE OFFICER IN CHARGE
DHOLAI POLICE STATION
CACHAR

6:THE STATE OF MIZORAM
REP. BY THE CHIEF SECRETARY
NEW SECRETARIATE COMPLEX
AIZWAL-796001

7:THE DIRECTOR GENERAL OF POLICE
MIZORAM

KHATLA KAWN
KHATLA
AIZWAL-796001

8:THE SUPERINTENDENT OF POLICE
KOLASIB DISTRICT
MIZORAM

9:THE CENTRAL BUREAU OF INVESTIGATION
REP. BY THE DIRECTOR BLOCK NO. 3
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003

10:THE NATIONAL INVESTIGATION AGENCY
CGO COMPLEX LODHI ROAD
NEW DELHI-11000

Advocate for the Petitioner : MR. A GOYAL

Advocate for the Respondent : GA, ASSAM

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

10-08-2021

The matter is taken up through video conferencing.

Heard Mr. A. Goyal, learned counsel for the petitioner in PIL No.44/2021 and Mr. B. Lalramenga, learned counsel for the petitioner in PIL No.46/2021. Also heard Mr. D. Saikia, learned Advocate General, Assam; Mr. D. Das, learned Advocate General, Mizoram; Mr. C. Baruah, learned standing counsel, NHAI; Mr. B. Deka, learned Central Government counsel; Mr. B. Sharma, learned standing counsel, NF Railway and Mr. S.C. Keyal, learned standing counsel, CBI, appearing for the respondents.

The matter in both these PILs relate to an unfortunate incident in which six police personnel and one civilian were killed and many others were injured. The incident took place on the Assam-Mizoram border on 26.07.2021. It is alleged that the firing was done by Mizoram Police, which resulted in these casualties. This Court has been informed that an FIR has also been filed and the investigation is presently on.

PIL No.44/2021 has been filed for investigation by an independent agency. In PIL No.46/2021, which has been filed by the Mizoram Bar Association, it is alleged that the blockade which has been made by Assam on the Assam-Mizoram Border is causing hardship to the people of Mizoram.

Learned Advocate Generals of Assam and Mizoram are before this Court in these matters. Both of them have made a statement that as on date due to the efforts of both the Governments things are moving towards a normalcy, and thus the learned Advocate Generals of the respective States have requested that both the cases may be adjourned so that the matter may also be examined in the light of Article 131 of the Constitution of India.

This Court has also been informed that as of now there is no blockade, and goods are being carried by road from Assam to Mizoram and *vice versa*. However, at some places Railway tracks has been damaged.

Matter is adjourned.

List on **23rd August, 2021.**

The learned Advocate Generals shall get instructions in the meanwhile.

We make it very clear that this Court cannot go into the inter-State dispute in view of Article 131 of the Constitution of India. This Court may, however, look into the aspects of immediate law and order concern and other hardships which may require our immediate attention, which do not relate to the dispute between the two States.

JUDGE

CHIEF JUSTICE

Comparing Assistant