

# Jitul Deka vs The State Of Assam And 9 Ors on 3 January, 2023

**Author: R.M. Chhaya**

**Bench: Chief Justice, Soumitra Saikia**

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GAHC010116872021

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

Case No. : PIL/44/2021

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

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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

BEFORE  
HONOURABLE THE CHIEF JUSTICE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03.01.2023 (R.M. Chhaya, CJ) By way of this Public Interest Litigation, the petitioner has approached this Court and has inter alia prayed for the following reliefs:

"In the premises aforesaid, it is respectfully prayed that Your Lordships may graciously be pleased to admit this petition, call for records and issue a Rule calling upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or a writ of like nature should not be issued transferring and handing over the investigation of the FIRs registered in the State of Assam and Mizoram to CBI and NIA i.e. the Proforma Respondent no. 9 and 10 under supervision of this Hon'ble Court. And upon cause and causes that may be shown by the parties, and after hearing the parties, be pleased to make the Rule absolute and/or pass any other order or orders as Your Lordships may Page No.# 3/4 deem fit and proper.

AND Pending disposal of the instant petition, Your Lordships may be further pleased to call detailed reports from both Assam and Mizoram Govt. on the unfortunate

incident of firing causing death of 7 (seven) Assam Police Personnel and grievous injuries sustained by more than 70 persons which includes civilian and Assam Police personnel and/or pass any other order or orders as Your Lordships may deem fit and proper."

2. Heard Mr. R. B. Gohain, learned counsel for the petitioner. Also heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Ms. R. Baruah, learned counsel appearing for the State of Assam and its authorities, and Mr. D. Das, learned Advocate General, Mizoram, appearing for the State of Mizoram and its authorities.

3. On notice being issued by this Court, the respondent authorities have filed their affidavits and have brought on record the factual matrix arising in this PIL. As far as the issue involved in this PIL is concerned, which was the reason for the incident that occurred on 26.07.2021, is the border dispute between the State of Assam and the State of Mizoram.

4. Learned Advocate Generals appearing for the State of Assam and the State of Mizoram have stated that after the incident of 26.07.2021, some senior Cabinet Ministers of the Government of Assam personally visited the State of Mizoram to meet their counterpart and, after the meeting of the senior ministers of both the States, the tension at the border has eased out and normalcy has prevailed. It is also stated that all the trucks and other vehicles stranded at the border have started movement freely and the Ministry of Railway has also restored the railway track and presently there is free movement of railway in the State of Mizoram. It is further stated that even the Travel Advisory dated 29.07.2021, which was issued by the Government of Assam, has been withdrawn and presently there is free movement of vehicular traffic between the two States and no major incident of violence is reported after 26.07.2021. Learned Advocate Generals appearing for the State of Assam and the State of Mizoram have also stated that both the State Government are making endeavours to amicably Page No.# 4/4 resolve the inter-State border dispute between Assam and Mizoram.

5. Learned counsel appearing for the petitioner has also agreed that tension at the border has eased out and normalcy has prevailed and that railway and vehicular traffic have started free movement. It is also not disputed by the learned counsel for the petitioner that no major incident of violence is reported after 26.07.2021.

6. In view of the aforesaid, this Court is of the opinion that the broader issue arising out of this PIL has been taken care of by both the respondent States of Assam and Mizoram and as on date peace has prevailed.

7. Mr. R. B. Gohain, learned counsel for the petitioner further submitted that the State respondents should be directed to compensate the kith and kin of the victims by awarding appropriate compensation, especially of those who have lost their lives in the police firing. At this juncture, it is appropriate to note that the wife of one of the victims has also filed a separate writ petition, being WP(C) 4485/2021, wherein the petitioner has prayed for identical relief as prayed for in the present PIL. Learned counsel for the petitioner in WP(C) 4485/2021 has pointed out that the present PIL

was filed before filing of the writ petition.

8. In view of the aforesaid, we deem it fit to close the present proceedings with a clarification that disposal of this PIL shall not in any manner affect the rights of the petitioner in WP(C) 4485/2021. The issue of compensation is kept open, which may be dealt with by this Court in WP(C) 4485/2021 independently.

With the aforesaid observations the present PIL stands closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant