

GAHC010013032023



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

Case No. : I.A.(Civil)/165/2023

RANJU AGARWAL AND ANR
W/O- SRI RAM PRAKASH AGARWAL(JINDAL), R/O- CHIRWAPATTY ROAD,
NEAR DEVI MANDIR, P.O, P.S AND DIST- TINSUKIA, ASSAM

2: RAM PRAKASH AGARWAL (JINDAL)
S/O- LATE HANUMAN PRASAD AGARWAL
R/O- CHIRWAPATTY ROAD
NEAR DEVI MANDIR
P.O
P.S AND DIST- TINSUKIA
ASSA

VERSUS

DIPTI DAS AND ANR
CHAIRPERSON, TINSUKIA MUNICIPAL BOARD, P.O, P.S AND DIST-
TINSUKIA, ASSAM, PIN- 786125

2:MONJIT DOLEY
EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD
P.O.
P.S. AND DIST. TINSUKIA
ASSAM
PIN- 786125

Advocate for the Petitioner : MR. SAILENDRA DEKA

Advocate for the Respondent : MR K AGARWAL

Linked Case : Cont.Cas(C)/335/2019

RANJU AGARWAL AND ANR.
W/O- SRI RAM PRAKASH AGARWAL(JINDAL)
R/O- CHIRWAPATTY ROAD
NEAR DEVI MANDIR
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S/O- LATE HANUMAN PRASAD AGARWAL
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DIPTI DAS
CHAIRPERSON
TINSUKIA MUNICIPAL BOARD
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ASSAM
PIN- 786125

Advocate for : MR B DUTTA
Advocate for : MR K AGARWAL appearing for DIPTI DAS

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25-01-2023

Heard Mr. S. Deka, learned counsel for the applicants and Mr. R.S. Mishra, learned counsel for the newly impleaded opposite party no. 1-respondent no. 1.

2. The connected application, Contempt Case[C] no. 335/2019 has been preferred by the applicants alleging violation of a direction made by the Court in the judgment and order dated 20.05.2018 passed in the writ petition, W.P.[C] no. 418/2018.

3. It is submitted by Mr. Deka that the opposite party no. 1-respondent no. 1 has since resigned from the post of Chairman, Tinsukia Municipal Board and as on date, the Executive Officer i.e. Sri Monjit Doley [the opposite party no. 2-respondent no. 2] has been in charge of the affairs of the respondent Municipal Board. It is further submitted by Mr. Deka, learned counsel for the applicants that the impleadment of the said person is necessary for compliance of the direction made by the Court. Mr. Mishra, learned counsel for the newly impleaded opposite party no. 1-respondent no. 1 has also endorsed the submissions made by Mr. Deka as regards the resignation of the earlier chairman of the Municipal Board.

4. In view of obtaining fact situation, the applicants have stated that they have preferred the instant interlocutory application seeking impleadment of the following party:-

“2. Sri Monjit Doley,
Executive Officer,
Tinsukia Municipal Board,
P.O., P.S. & District – Tinsukia, Assam,
Pin – 786125.”

as the party respondent no. 2 in the connected contempt case, Contempt Case[C] no. 335/2019.

5. I have gone through the statements and averments made in this interlocutory application. It is noticed that by a representation dated 06.01.2023, the Chief Executive Officer, Tinsukia Municipal Board i.e. the proposed respondent has been put to notice highlighting about alleged disobedience of the direction made in the judgment and order dated 20.05.2023.

6. Having regard to the said statements and averments made in this interlocutory application and having heard the learned counsel for the parties, this Court finds that the afore-mentioned person is required to be impleaded as a party-respondent in the connected

contempt application, Contempt Case [C] no. 335/2019. Accordingly, this instant application seeking his impleadment is allowed.

7. The office to make necessary correction in the cause-title of the connected Contempt Case[C] no. 335/2019.

JUDGE

Comparing Assistant