

GAHC010040182019



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

Case No. : Cont.Cas(C)/109/2019

REKHA SAHU AND 2 ORS.
WIFE OF LATE BINDU KUMAR GUPTA SAHU, RESIDENT OF HOUSE NO. 5,
BAKRAPARA BENGALI BASTI (NEW MARKET), P.O. AND P.S. BASISTHA,
DIST- KAMRUP(M), PIN- 781029.

2: PANKAJ KUMAR SAHU
SON OF LATE BINDU KUMAR GUPTA SAHU
RESIDENT OF HOUSE NO. 5
BAKRAPARA BENGALI BASTI (NEW MARKET)
P.O. AND P.S. BASISTHA
DIST- KAMRUP(M)
PIN- 781029.

3: KANCHAN KUMAR SAHU
SON OF LATE BINDU KUMAR GUPTA SAHU
RESIDENT OF HOUSE NO. 5
BAKRAPARA BENGALI BASTI (NEW MARKET)
P.O. AND P.S. BASISTHA
DIST- KAMRUP(M)
PIN- 781029

VERSUS

SRI JAYANTA SAIKIA
THE DEPUTY COMMISSIONER BISWANATH DISTRICT, PO AND PS
BISWANATH CHARIALI, DIST BISWANATH (ASSAM), PIN-784167

Advocate for the Petitioner : MR. A RAJKHOWA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 26-07-2023

When the contempt application was listed on 19.07.2023, the following order was passed :-

The contempt petition has been preferred alleging disobedience of the direction made in an order dated 09.05.2018 passed in a writ petition, W.P.[C] no. 1382/2018. The relevant parts of the order dated 09.05.2018 read as under :

Having heard the learned counsel appearing for the parties and on perusal of the materials on record, the Deputy Commissioner, Biswanath Chariali is directed to dispose of the representation dated 04.07.2017 (Annexure-5 of the writ petition), wherein, amongst others, the petitioners have made allegations against office staff as well as missing of mutation case records in respect of the application filed by the petitioners, within a period of 6(six) weeks from the date of receipt of a certified copy of this order.

It is, however, observed that this Court has not made any comments on the correctness of the allegations or on the merits of the representation.

With the above observation and direction, the writ petition is disposed of. No cost.

2. When the contempt petition was moved on 27.02.2019, no notice was issued to the respondent no. 1, respondent no. 3 and the respondent no. 4 as they were found not necessary parties since the direction in the order dated 09.05.2018 was issued specifically to the respondent no. 2, that is, the Deputy Commissioner, Biswanath Chariali. By order dated 27.02.2019, the names of the respondent no. 1, respondent no. 3 and the respondent no. 4 were deleted and the petitioner was asked to take steps for service of notice only upon the respondent no. 2 by registered post with A/D, making the notice returnable in 6 [six] weeks.

3. Office Note dated 26.02.2020 has reflected that the notice sent to the respondent no. 2 had returned undelivered with postal remarks, 'no such person in DC office, Biswanath, Return to Sender'. After the Office Note dated 26.02.2020, the learned counsel for the petitioner made submission before the Court on 07.01.2021 that appropriate application would be filed for substitution of the respondent no. 2 and accordingly, a period of 2 [two] weeks was allowed to file such application. On 08.03.2021, it was submitted by the learned counsel for the petitioner that an interlocutory application was filed. Office Notes, dated 22.02.2021, dated 10.03.2021 and dated 05.06.2023, have mentioned that no application for substitution of the respondent no. 2 has been filed till date. When the case was listed on 12.03.2021, none had appeared for the petitioner on call. When the case is called up today, none has appeared for the petitioners.

4. Having regard to the afore-mentioned facts, let the case, for ends of justice, be listed again on 26.07.2023.

2. Today, when the case is called, none has appeared for the petitioners on call.

3. In view of the fact situation obtaining in the case, narrated in the order dated 19.07.2023 and non-representation on behalf of the petitioners today also on call, this Court is constrained to take the view that the petitioners are not interested to pursue the instant petition. Accordingly, the same is dismissed for non-prosecution.

JUDGE

Comparing Assistant