

GAHC010252852022



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

Cont.Cas(C)/151/2019

NABIN TALUKDAR
S/O- LT UPEN TALUKDAR
R/O- VILL- BHATANTA
MAHITARA P.O. BHATANTA
SADERI DIST- BARPETA ASSAM
PIN- 781325 MOBILE- 9957084165

VERSUS

MUNINDRA SHARMA
ACS DY. COMMISSIONER
DIST- BARPETA
ASSAM
PIN- 781325

Advocate for : MR. R SARMA
Advocate for : MR. B J GHOSH appearing for MUNINDRA SHARMA

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

03.02.2023

Heard Mrs. R. Devi, learned counsel for the writ petitioner and Mr. B. J. Ghosh, learned counsel for the sole respondent.

2. This contempt application under Section 12 of the Contempt of Courts Act, 1971 read with Rule 9 of the Contempt of Courts (Gauhati High Court) Rules, 1977 and Article 215 of the Constitution of India is preferred alleging wilful and intentional violation of the directions contained in the Order dated 23.05.2018 passed by this Court in the writ petition, W.P.[C] no. 3214/2018.

3. By the writ petition, W.P.[C] no. 3214/2018, the petitioner had approached this Court with a grievance that a plot of land belonging to him, was acquired in connection with construction of National Highway. The Court by an Order dated 23.05.2018, considering the grievances expressed in the writ petition, disposed of the writ petition with a direction to the Deputy Commissioner, Barpeta to look into the matter and to take such steps as might be considered appropriate in the facts and circumstances of the case. The petitioner was directed to file a detail Representation to the Deputy Commissioner, Barpeta, if so advised, within a period of two weeks from 23.05.2018. In the Order dated 23.05.2018, it was further observed that appropriate orders would be passed by the Deputy Commissioner, Barpeta within a period of three months from the date of receipt of a copy of the Order dated 23.05.2018 and if the petitioner remained aggrieved even after passing of the appropriate order by the Deputy Commissioner, then he would be at liberty to approach the Court again.

4. From the counter affidavit filed by the sole respondent, who was the then Deputy Commissioner, Barpeta, it transpires that the sole respondent passed an order on 21.09.2019 in deference to the directions made in the order dated 23.05.2018. After causing necessary field verification, the sole respondent had arrived at a compensation amount of Rs. 4,89,815/- in respect of the petitioner's acquired plot of land. Accordingly, an Order was passed on 24.01.2019 directing the SDO[Civil], Bajali to take immediate action for payment of the land compensation amount to the petitioner with sanction from the National Highway Authority of India NHAI] in respect of the petitioner's acquired plot of land. The SDO[Civil], Bajali was further directed to take steps to ensure that the possession of the acquired land was taken and the land records were corrected accordingly.

5. The factum of passing the Order by the sole respondent i.e. the Deputy Commissioner,

Barpeta on 24.01.2019 has not been disputed by the petitioner. The learned counsel for the petitioner has, however, contended that the compensation amount of Rs. 4,89,815/- has not yet been disbursed to the petitioner.

6. Upon perusal of the Order dated 23.05.2018 passed in the writ petition, W.P.[C] no. 3214/2018, and the Order dated 24.01.2019 passed by the sole respondent, the Court is of the considered view that there is apparently no wilful or intentional violation of the directions made in the Order dated 23.05.2018 as the sole respondent in the capacity of the Deputy Commissioner, Barpeta had already passed the Order dated 24.01.2019.

7. In such view of the matter, the instant contempt application stands closed. Liberty, however, stands reserved to the petitioner to initiate appropriate proceeding permissible under the law in respect of his grievance regarding non-receipt of the assessed compensation amount.

JUDGE

Comparing Assistant