

GAHC010131952022



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

Case No. : Cont.Cas(C)/382/2022

BABUL CHOWDHURY
S/O LATE BHIMSAN CHOWDHURY, R/O DTS HILL COLONY, P.O. AND P.S.-
LUMDING, DIST-HOJAI, ASSAM, PIN-782447

VERSUS

AJAY KUMAR VERMA, IAS
SENIOR DIVISIONAL ENGINEER (IV), N.F. RAILWAY, LUMDING, ASSAM,
PIN-782447

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : MS. L DEVI

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08-09-2023

Heard Mr. M.H. Laskar, learned counsel for the petitioner and Mr. R.K. Deb Choudhury, learned counsel for the respondent.

2. The instant contempt petition has been preferred alleging willful and deliberate violation of the direction contained in the order dated 08.03.2022

passed in a writ petition, W.P.[C] no. 3482/2021.

3. The operative parts of the order dated 08.03.2022 read as under :-

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of at the motion stage itself directing the petitioner to submit a fresh representation before the Divisional Engineer (IV), N. F. Railway, Lumding on or before 23.03.2022 pertaining to vacate the said Railway land measuring 367.50 Sq.m at Brickfield Colony, Lumding along with a certified copy of this order.

In the event of submitting such representation by the petitioner within the time so specified, before the Divisional Engineer (IV), N. F. Railway, Lumding, the respondent Railways shall consider the same in accordance with law, after giving an opportunity of hearing to the petitioner and shall pass a reasoned order intimating the petitioner about the outcome of the same including the amount of any such occupancy rent and others payable by the petitioner for occupying the said land.

Further, in the event of payment of such occupancy rent and others, etc., the respondent Railways shall pass necessary order regarding unsealing of the store-rooms and go-downs constructed by the petitioner over the said Railway land, granting him a reasonable time to dismantle, remove the structures of his go-downs and store-rooms constructed by him over the said land and to vacate said land and premises measuring 367.50 Sq.m at Brickfield Colony, Lumding of the respondent N.F. Railways.

However, it is made clear that with regard to any such payment for the contract work payable by the respondent N.F. Railways, the petitioner shall approach the appropriate forum for redressal of his such grievances.

With the above observation and direction, this writ petition stands disposed of.

4. Mr. Deb Choudhury, learned counsel appearing for the sole respondent has submitted that the representation submitted by the petitioner pursuant to the order dated 08.03.2022 has been disposed of by an order dated 08.09.2023. Mr. Deb Choudhury has further submitted that the petitioner was given due opportunity of hearing.

5. The order dated 08.09.2023 disposing of the representation of the petitioner reads as under :-

Sub : Land License fee amount against land under occupation at Brick Field Colony, Lumding and one at DTS Hill Colony, Lumding.

In terms of the above, it is to inform you that there are 02 [two] nos. of plot of Railway land at Lumding approved against you competent authority for use as labour camp.

As per record available at this office Land License fee Bill is prepared for an amount of Rs. 10,33,179/- Rupees [ten lakh thirty three thousand one hundred seventy nine] only is lying pending against ground rent of the land under occupation at Brick Field Colony, Lumding. An amount of Rs. 5,39,984/- Rupees [five lakh thirty nine thousand nine hundred eighty four] only is lying pending against ground rent of the labour camp at DTS Hill Colony, Lumding.

So, you are requested to deposit Rs. 15,73,163/- Rupees [fifteen lakh seventy three thousand one hundred sixty three] only in the shape of demand draft in favour of FA & CAO, N.F. Railway Maligaon within 30 [thirty] days of issue of this letter.

6. A copy of the order has also been furnished by Mr. Deb Choudhury to Mr. Laskar, learned counsel for the petitioner.

7. Mr. Laskar has submitted that as an order has been passed pursuant to the order dated 08.03.2022, the contempt petition can be closed, as the liberty has already been granted by the order 08.03.2022 to approach the appropriate forum in the event he has any grievance about the order passed on 08.03.2022.

8. In view of the above submissions made by the learned counsel for the parties, this contempt petition is closed.

9. A copy of the order bearing no. W/2014/LM/11-A/W-4 dated 08.09.2023 is

kept as part of the case record.

JUDGE

Comparing Assistant