

GAHC010182762023



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

Case No. : I.A.(Civil)/2458/2023

DINANATH CHAUHAN AND 2 ORS.
S/O LT. NAGINA CHAUHAN, R/O NALBARI, P.O. AND P.S.-UDALGURI, DIST-
UDALGURI, BTC, ASSAM, PIN-784509

2: LAKHIRAM CHAUHAN
S/O LT. NAGINA CHAUHAN
R/O NALBARI
P.O. AND P.S.-UDALGURI
DIST-UDALGURI
BTC
ASSAM
PIN-784509

3: SITARAM CHAUHAN
S/O LT. NAGINA CHAUHAN
R/O NALBARI
P.O. AND P.S.-UDALGURI
DIST-UDALGURI
BTC
ASSAM
PIN-78450

VERSUS

DR. SADNEK SINGH IAS AND 2 ORS
DEPUTY COMMISSIONER, UDALGURI, OFFICE OF THE DEPUTY
COMMISSIONER, DIST-UDALGURI, BTC, ASSAM, PIN-784509

2:SRI AKASHDEEP
IAS

PRINCIPAL SECRETARY CUM CHIEF EXECUTIVE OFFICER
BTC
KOKRAJHAR

DIST-KOKRAJHAR
ASSAM
PIN-783370

3:SRI DHIRAJ SAUD

SECRETARY
LAND AND REVENUE CUM LAND ACQUISITION
BTR
KOKRAJHAR
DISTRICT KOKRAJHAR
BTR
ASSAM
PIN 783370

For the Applicant(s) : Mr. S. Chouhan, Advocate

For the Respondent(s) : Mr. H. Sarma, Sr. Government Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 11.10.2023

1. The instant application has been filed by the Petitioners/Applicants to implead the new incumbents holding the post of Deputy Commissioner, Udalguri; Principal Secretary-cum-Chief Executive Officer, BTR, Kokrajhar as well as the Secretary of Land and Revenue-cum-Land Acquisition, BTR, Kokrajhar as the Respondent Nos. 3, 4 and 5 to the accompanying contempt application.

2. This Court finds it relevant to take note of that the Co-ordinate Bench of this Court vide an order dated 11.06.2019 passed in WP(C) No.2443/2012 directed the Respondent Nos. 2 and 4 i.e. the Deputy Commissioner/Collector, Udalguri and Bodoland Territorial Council represented by Principal Secretary, Kokrajhar to regularize the taking over the land of the Petitioners under the

Assam Land (Requisition and Acquisition) Act, 1964 and/or under the Land Acquisition Act, 1894. The Respondent No.2 in the writ petition was further directed to pass an award within a period of 6 (six) months from the date of receipt of the certified copy of the order.

3. It is the allegation made in the accompanying contempt application that in spite of a certified copy having been furnished to the concerned Respondent Authorities, nothing has been done to comply with the orders passed by the Co-ordinate Bench of this Court for which the accompanying contempt application was filed.

4. This Court vide an order dated 19.03.2020 in the accompanying contempt application has issued notice. In the meantime, after issuance of the said notice, the incumbents who were holding the post of the Deputy Commissioner-cum-Collector, Udalguri as well as the Principal Secretary-cum-Chief Executive Officer, BTR had changed. Under such circumstances, the Petitioners had submitted fresh representations upon them on 17.06.2023 by way of registered post.

5. It further appears from the track consignment issued by the India Post that the said representations dated 17.06.2023 issued to the Opposite Party Nos. 1, 2 and 3 herein were duly delivered. However, in spite of that, as no steps was taken by the Opposite Parties herein, the instant application has been filed to implead the Opposite Parties.

6. Taking into account the above, this Court is of the opinion that the Opposite Party Nos. 1, 2 and 3 are required to be arrayed as the Respondent Nos. 3, 4 and 5 to the accompanying contempt application and accordingly ordered herein. The Petitioner is directed to submit an amended cause title before the Registry of this Court forthwith.

7. The Registry shall on the basis of the amended cause title so filed and on the basis of the orders so passed herein shall make necessary correction to the records of the accompanying contempt application as well as also update the same in the CIS.

8. Accordingly, I.A. stands disposed of.

JUDGE

Comparing Assistant