

GAHC010193072013



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

Case No. : Cont.Cas(C)/307/2013

S CHAKRABORTY SINGHA and ANR
S/O- LT. THAMBAL SINGHA, VILL.- MADHABPUR, P.O.- MADARIPAR, DIST.-
HAILAKANDI, ASSAM.

2: PH NARENDRA SINGHA
S/O- PH. BABATOMBI SINGHA
VILLA.
SINGERBAND PART-V
P.O.- SINGERBAND
DIST.- CACHAR
ASSAM

VERSUS

BISWARANJAN SAMAL, I.S. and 2 ORS
COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, W.P.T. and B.C.
DEPTT., DISPUR, GHY- 6, ASSAM.

2:SHRI JITEN BORGOYARI
COMMISSIONER and SECY. TO THE GOVT. OF ASSAM.

3:MR J KHOSLA
CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR
GHY-6

Advocate for the Petitioner : A R BHUIYAN

Advocate for the Respondent : J ROY

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

27.06.2023

The contempt petition was filed alleging violation of an order dated 22.02.2013 passed in the writ petition, W.P.[C] no. 6588/2011 which was about constitution for Manipuri Development Council.

An affidavit-in-opposition was filed on behalf of the Chief Secretary to the Government of Assam on 11.04.2014.

It was submitted on behalf of the petitioners on 22.03.2016 to the effect that fresh guidelines for constitution of the Development Councils was notified by the Government on 21.05.2014 but the new guidelines were subject-matter of two writ petitions, W.P.[C] no. 1472/2016 and W.P.[C] no. 1315/2016. With the projection that the orders passed in those two writ petitions would have a bearing in the instant contempt petition, the learned counsel appearing for the petitioners prayed for awaiting the outcome of the two writ petitions. In view of such prayer made on behalf of the petitioners, the case was adjourned for 6 [six] weeks. On 19.05.2017, it was observed that the present contempt petition would be taken up as and when the decisions were rendered in the two writ petitions, W.P.[C] no. 1472/2016 and W.P.[C] no. 1315/2016. The learned counsel for the parties were permitted to make mention for listing of the present contempt petition as and when the aforesaid two writ petitions were finally decided.

The writ petition, W.P.[C] no. 1426/2016 was disposed of on withdrawal on 04.03.2016 as the learned counsel for the petitioners therein sought leave to withdraw the writ petition. The other writ petition, W.P.[C] no. 1315/2016 came to be dismissed on withdrawal on 11.01.2021 on the submission of the learned counsel for the petitioners that the matter had become infructuous and he had instruction to withdraw the same. Since from 19.05.2017, none had mentioned for listing of the present contempt petition though the afore-mentioned two writ petitions, W.P.[C] no. 1426/2016 & W.P.[C] no. 1315/2016 were disposed of on 04.03.2016 and 11.01.2021 respectively.

As per an order dated 07.09.2022 passed in a writ petition, W.P.[C] no. 1472/2016,

Manipuri Development Council had been re-constituted by a notification dated 21.12.2020 of the Welfare of Plain Tribes and Backward Classes [WPT&BC] Department, Government of Assam. A copy of the order dated 07.09.2022 [supra] has been kept with the present case records.

Having regard to the nature of direction made in the order dated 22.02.2013 passed in the writ petition, W.P.[C] no. 6588/2011; noticing the conduct and absence of the learned counsel for the petitioners; and taking note of the fact that a new Manipuri Development Council had since been re-constituted in the year 2020 by a notification dated 21.12.2020, the contempt petition appears to have become infructuous by efflux of time, though none has appeared today to represent the case on behalf of the petitioners. Therefore, the contempt petition is accordingly closed. Liberty, however, stands reserved to the petitioners to restore the petitioners if they still have a subsisting cause of action, by filing appropriate pleadings, as permissible under the law.

JUDGE

Comparing Assistant