

GAHC030003202020



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

Case : Cont.Cas(C)/16/2022

Hmingthansiam
Dinthar
Aizawl
Mizoram

VERSUS

Smt Renu Sharma
State of Mizoram r/b Chief Secretary and 8 Ors.
Govt. of Mizoram
Aizawl

2:Sh Er.Bowman
Engineer-in-Chief
PWD
Govt. of Mizoram
Aizawl

3:Sh JC Lalramthanga
Secretary to the Govt. of Mizoram
PWD
Govt. of Mizoram
Aizawl

4:Sh J.Zothanpuia
Chief Engineer
PWD (Buildings)
Govt. of Mizoram
Aizawl

5:Sh Lalnunzira
Executive Engineer
PWD
(Electrical Division)

Govt. of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Jonathan Lalrintluanga
Advocate for the Respondent : Mr C Zoramchhana for R1 to R8

Linked Case No. : WP(C)/90/2020

Hmingthansiam
Dinthar
Aizawl Mizoram

VERSUS

State of Mizoram and 7 Ors.
Aizawl

Advocate for the Petitioner : Mr. Jonathan Lalrintluanga
Advocate for the Respondent : Mr C Zoramchhana (Addl. AG/GA, Mizoram)

**B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R**

09.03.2023
(Thursday)

Heard Mr. Jonathan Lalrintluanga, learned counsel for the petitioner alongwith Mr. C. Zoramchhana, learned counsel for the opposite parties.

This contempt application was filed for the alleged willful and deliberate disobedience and violation of the order dated 26.10.2020 and the order 14.11.2020 passed by this Court in W.P.(C)No. 90/2020.

The learned counsel for the petitioner submits that inspite of the Order passed by this Court directing the respondents including the respondent No.8 to stop all ongoing works even if it has started, the respondents had continued with the works and completed the 25% of the remaining works which is in violation of this Court orders dated 26.10.2020 and 14.11.2020.

Mr. C. Zoramchhana, learned counsel for the opposite parties on the other hand mentions that since the writ petition itself has been disposed on becoming infructuous, any contempt arising out of the said infructuous writ petition cannot be contempt. He further submits that the decision to complete the 25% of the remaining works by the department was due to the oncoming Budget Session and State Government had taken a policy decision to complete the remaining departmental works, which was in the interest of public.

Having heard both the parties, this court finds that considering the fact that the W.P. (C) No.90/2020 has been disposed since the matter has become infructuous, wherein the Installation of the works was already completed on 16.02.2021 and for which the writ petition itself has become infructuous. This court also finds that 25% of the works was completed departmentally and the writ petition out of which the contempt petition arose is with regards to the restricted tender and the works which was allotted to respondent No.8 and it is seen that it is not the respondent No.8 who had continued the remaining works but it was done departmentally due to the urgency of the matter since the Session was to commence from 23rd Feb. 2021. Thus considering the nature and the circumstances under which the works had been completed, this court finds that there is no deliberate and willful disobedience of this court's order.

In view of the above, the Contempt Petition No.16/2022 stands dismissed and disposed.

JUDGE

Comparing Assistant