

GAHC010036062024



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

Case No. : MC/12/2024

SMT BAIJANTI MALA BORO
W/O- SRI HOMESWAR BASUMATARY, R/O VILL.- GARIA PATHER, P.O.-
BORCHALA, DIST.- UDALGURI, BTC, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY- 6.

2:THE DIRECTOR OF SOCIAL WELFARE DEPTT.
ASSAM
UZANBAZAR
GHY- 1.

3:THE BODOLAND TERRITORIAL COUNCIL
REP. BY THE PRINCIPAL SECY.
BTC
KOKRAJHAR
ASSAM
PIN- 7833870.

4:THE JOINT SECY.
SOCIAL WELFARE DEPTT.
BTC
KOKRAJHAR- 7833870.

5:THE JOINT DIRECTOR and CHD
SOCIAL WELFARE DEPTT.
BTC
KOKRAJHAR- 7833870.

6:THE DIST. SOCIAL WELFARE OFFICER
UDALGURI

BTC
PIN- 784509.

7:THE CHILD DEVELOPMENT PROJECT OFFICER
ICDS PROJECT
P.O.- BORCHALA
SONITPUR
ASSAM.

8:HEMLATA DAIMARI
W/O- HEMESWAR BORO
R/O VILL.- GARIA PATHAR
P.O.- BORCHALA
DIST.- SONITPUR
ASSAM

Advocate for the Petitioner : MR.P MAHANTA, MR. P MAHANTA

Advocate for the Respondent : GA, ASSAM, SC, BTADC

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 25-09-2024

Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. J.K. Goswami, learned Additional Senior Government Advocate for the State of Assam and Mr. P. Hazarika, learned counsel appearing on behalf of Mr. S.R. Rabha, learned Standing Counsel, BTC.

2. By way of this application under Section 226 of the Constitution of India, the petitioner is seeking restoration of W.P.(C) no. 1585/2013 which was dismissed by this Court by Order dated 19.01.2024 on account of non-prosecution.

3. Mr. Mahanta, learned counsel for the petitioner submits that on 19.01.2024, when this matter was last called, the learned counsel for the

petitioner was out of station as he had gone to Kolkata for conducting a case before the Debt Recovery Appellate Tribunal, Kolkata and therefore, this matter went unrepresented for which, the matter was dismissed for non-prosecution and accordingly submits that the aforesaid reasons be accepted and the matter be restored.

4. Mr. Goswami, learned Additional Senior Government Advocate and Mr. Hazarika, learned counsel appearing for respondent, BTC submits that they have no objection if the said writ petition is restored back.

5. Heard both the parties.

6. It appears from the averments made in paragraph 3, 4 & 5 of the application that the learned counsel for the petitioner, being out of station in connection to a case before the Debt Recovery Appellate Tribunal, Kolkata, could not appear before this Court on 19.01.2024 for which the writ petition was dismissed.

7. The explanation appears to be sufficient and accordingly, this Court directs restoration of W.P.(C) no. 1585/2013 to its original position, subject to the condition that the petitioner shall deposit the amount of Rs. 5000/- to Gauhati High Court (Principal Seat) Employees Association.

8. The application stands disposed of.

JUDGE

Comparing Assistant