

GAHC010046772024



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

Case No. : WA/73/2024

SWAPAN MAJUMDAR AND 14 ORS
AGED ABOUT 51 YEARS SON OF LATE SAMACHARAN MAJUMDAR
(FATHER) AND SMTI. GITARANI MAJUMDAR (MOTHER) RESIDENTS OF
PUKHURIPAR, WARD NO.3, MARIANI TOWN, P.O AND P.S.- MARAIANI,
DIST.-JORHAT, ASSAM

2: GOPAL DUTTA
AGED ABOUT 43 YEARS
SON OF SUBHASH DUTTA
RESIDENTS OF PUKHURIPAR
WARD NO.3
MARIANI TOWN

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

3: SAJID ALI @ MAINUL ALI
AGED ABOUT 46 YEARS
SON OF ABUTALIB
RESIDENTS OF PUKHURIPAR
WARD NO.3
MARIANI TOWN

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

4: ARCHANA RANI BHADRA
AGED ABOUT 65 YEARS
WIFE OF LATE NIHAR KANTI BHADRA

RESIDENTS OF RAILWAY COLONY

WARD NO. 5
MARIANI TOWN

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

5: SUDHARSAN BISWAS @ SHYAMAL BISWAS
AGE 44 YEARS
SON OF RANJIT BISWASH
RESIDENTS OF RIFIUJI COLONY

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

6: NARAYAN PAL @ TANKU PAL
AGED ABOUT 61 YEARS
SON OF AJAJ KU PAL
RESIDENTS OF PUKHURIPAR
WARD NO.3
MARIANI TOWN

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

7: ADHIR DEY
AGED ABOUT 62 YEARS
SON OF SURENDRALAL DEY
RESIDENTS OF NATUNMATI

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

8: INDRAJIT SAIKIA @ INDRA SAIKIA
AGED ABOUT 47 YEARS
SON OF PUNESWAR SAIKIA
RESIDENTS OF KATHKOTIA

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

9: SUBIR SEN
AGED ABOUT 37 YEARS
SON OF JHANTU SEN
RESIDENTS OF RAILWAY COLONY WARD

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

10: SRI DIGANTA BORAH
AGED ABOUT 49 YEARS
SON OF LAKSHINATH BORA
RESIDENTS OF NATUN MATI

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

11: ARATI ACHARJEE
AGED ABOUT 65 YEARS
WIFE OF NANI GOPAL ACHERJEE
RESIDENT OF NATUN MATI
WARD NO. 4
MARAIANI TOWN
P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

12: MINTU GHOSH
AGED ABOUT 49 YEARS
SON OF LATE NANIGOPAL GHOSH
RESIDENTS OF NATUN MATI

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

13: ASHISH NATH
AGED ABOUT 47 YEARS
SON JIBAN KRISHNA NATH

RESIDENTS OF NATUN MATI

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

14: BIJU MAHAJAN
AGED ABOUT 35 YEARS
SON OF SHANKAR MAHAJAN
RESIDENT OF SHANKARDEB COLONY

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSAM

15: SRI SUKUMAR DEY
AGED ABOUT 49 YEARS

SON OF SUDHANSU DEY

RESIDENT OF KALIBARI

P.O AND P.S.- MARAIANI

DIST.-JORHAT
ASSA

VERSUS

THE NORTH EAST FRONTIER RAILWAY AND 3 ORS
REPRESENTED HEREIN BY THE GENERAL MANAGER, MALIGAON,
GUWAHATI, ASSAM- 781011

2:THE ASSISTANT DIVISIONAL ENGINEER
N. F. RAILWAY
MARIANI-785634

3:THE ESTATE OFFICER
N. F. RAILWAY
TINSUKIA
ASSAM-786125

4:THE DIVISIONAL MANAGER
N. F. RAILWAY
TINSUKIA
ASSAM-78612

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

06.03.2024

(Vijay Bishnoi, CJ)

This intra-Court appeal is filed on behalf of the appellants being aggrieved with the order dated 02.02.2024 whereby the writ petition filed on behalf of the appellants is dismissed on the ground of concealment of material facts. The learned Single Judge while dismissing the writ petition has imposed a cost of Rs.25,000/- on the appellants.

The learned counsel for the appellants has submitted that he is not challenging the impugned order on merit but is only aggrieved by the direction passed by the learned Single Judge of imposing a cost of Rs.25,000/- upon the appellants. The learned counsel has submitted that the appellants ought to have disclosed the material facts before the learned Single Judge. It is submitted that the fact regarding filing of earlier writ petitions could not be brought into the notice of the learned Single Judge due to bonafide mistake and the appellants had no intention to mislead the Court. It is also submitted that the appellants are poor persons and based on the legal advice had preferred the writ petition. The learned counsel has, therefore, prayed that the costs imposed by the learned Single Judge be made easy.

The learned counsel appearing for the respondents has opposed the request

made by the learned counsel for the appellants to make the cost imposed by the learned Single Judge easy.

Having heard the learned counsel for the parties and particularly taking into consideration the fact that the appellants are poor persons, we deem it appropriate to interfere with the impugned order upto the extent of imposing a cost of Rs.25,000/. Resultantly, the cost imposed by the learned Single Judge of Rs.25,000/- vide impugned judgment is made easy.

We want to clarify that we have not passed any order on merits and have also not interfered with the impugned order except the imposition of cost.

The Writ Appeal stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant