

GAHC010053362023



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

Case No. : Cont.Cas(C)/150/2023

SACHIN KUMAR SHARMA
S/O- LATE KRISHNA KANTA SHARMA BARUAH, R/O- JYOTI NAGAR,
BAMGAON, WARD NO. 8, P.O. AND P.S. BISWANATH CHARIALI, DIST.
BISWANATH, ASSAM

VERSUS

AMAR JYOTI BARTHAHAKUR AND ANR
S/O- LATE PHANI BARTHAHAKUR, R/O- MILANPUR, WARD NO. 6, P.O. AND
P.S. BISWANATH CHARIALI, DIST. SONITPUR, ASSAM, PIN- 784176.

2:DEBASHISH GOSWAMI
THE EXECUTIVE OFFICER
BISWANATH CHARIALI MUNICIPAL BOARD
B.S. ROAD (BISWANATH GHAT ROAD
P.O. CHARIALI
P.S. BISWANATH CHARIALI
PIN- 784176
DIST. BISWANATH
ASSA

For the petitioner (s) : Mr. G. Rahul, Advocate

For the respondent (s) : Mr. D. Das, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

09.08.2024

Heard Mr. G. Rahul, the learned counsel appearing on behalf of the petitioner and Mr. D. Das, the learned counsel appearing on behalf of the respondents.

2. The instant Contempt Application has been filed alleging willful and deliberate violation to the order dated 02.11.2022 passed in WP(C) No.2354/2021.

3. This Court duly takes note of the order dated 02.11.2022 wherein there was a direction passed to the Biswanath Chariali Municipal Board to pass an order strictly in accordance with law and by taking into consideration all relevant facts including the trace map and the building drawings which were furnished at the time of granting NOC. It was also directed that the said exercise be completed within 45 days from the date of receipt of the written statement from both the parties which were to be submitted within three weeks from the date of the said judgment.

4. Mr. D. Das, appearing on behalf of respondent Nos.1 & 2 submits that in compliance with the order dated 02.11.2022 passed in WP(C) No.2354/2021, the order has been duly passed by the Biswanath Chariali Municipal Board on 28.04.2023.

5. Taking into account that the order has been passed in compliance with the order passed by this Court dated 02.11.2022, the instant Contempt Proceedings are dropped. Be that as it may, the petitioner

herein would be at liberty to challenge the said order dated 28.04.2023, if so aggrieved.

6. The instructions dated 06.05.2023 as well as the order dated 28.04.2023 are collectively kept on record and marked with the letter "X".

JUDGE

Comparing Assistant