

GAHC010067012024



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

Case No. : Review.Pet./50/2024

M/S RANA CONSTRUCTION AND ENGINEERS PVT LTD
SURAJ COMPLEX, ULUBARI CHARIALI, KAMRUP (M), GUWAHATI-07,
ASSAM, REP. BY ONE OF ITS DIRECTORS , RANA ZAMAN, AGE ABOUT 51
YRS, S/O- ALHAZ RAHMAN ALI, R/O- HOUSE NO- 62, RAHMAN MANSION,
SOUTH SARANIA, P.O- ULUBARI, DIST- KAMRUP (M), ASSAM, GUWAHATI-
07

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS ROADS DEPARTMENT ,
ASSAM SECRETARIAT, DISPUR, GUWAHATI, ASSAM, PIN- 781006

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (BORDER ROADS)
CHANDMARI
GUWAHATI-03 ASSAM

3:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
MORIGAON DISTRICT TERRITORIAL ROAD DIVISION
MORIGAON
ASSAM

4:THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF RURAL DEVELOPMENT
RURAL CONNECTIVITY (RC) DIVISION
KRISHI BHAVAN NEW DELHI-01

5:NATIONAL RURAL INFRASTRUCTURE DEVELOPMENT AGENCY
REP. BY ITS DIRECTOR GENERAL
KRISHI BHAWAN

NEW DELHI-0

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

22.04.2024

1. Heard the review petitioner-in-person. Also heard Mr. B. Gogoi, learned Standing Counsel, PWD for the respondent nos.1, 2 & 3 and Ms. R. Devi, learned counsel for the respondent nos.4 & 5.

2. The impugned judgment & order dated 17.02.2024 passed in WP(C) No.4982/2023 and WP(C) No.2146/2023 has been sought to be reviewed, by on the ground that certain facts were overlooked by this Court.

3. The review petitioner-in-person submits that in paragraph-26 of the impugned judgment & order, this Court had stated that the Speaking Order dated 10.04.2023 issued by the Chief Engineer (Border Roads) had not been put to challenge, though prayer no.(iii) in WP(C) No.2146/2023 had prayed for setting aside the Speaking Order dated 10.04.2023. He also submits that similar matters are pending before the High Court. He also prays for liberty to be given to the petitioner to approach the Civil Court.

4. Mr. B. Gogoi, learned Standing Counsel appearing for the PWD submits that the observation made in paragraph-26 of the impugned judgment & order that the Speaking Order dated 10.04.2023 has not been put to challenge

appears to be a typographical error, inasmuch as, paragraph 3 of the impugned judgment & order has clearly stated that the Speaking Order dated 10.04.2023 has been put to challenge in WP(C) No.2146/2023. He also submits that no grounds have been made out for review of the impugned judgment & order and as such, the review petition should be dismissed.

5. I have heard the learned counsels for the parties.

6. As can be seen from the impugned judgment & order, paragraph 3 of the impugned judgment & order states that the petitioner has been put to challenge the Speaking Order dated 10.04.2023 in WP(C) No.2146/2023. Thus, the observation made in paragraph 26 of the impugned judgment & order to the effect that the Speaking Order dated 10.04.2023 has not been put to challenge, appears to be a mistake. However, the same does not take away the fact that this Court has not found any enforceable right of the petitioner having been violated and due to which the writ petitions were dismissed. Further, the petitioner has not been able to show that any prejudice has been caused to him due to the mistake/wrong observation made in paragraph-26 of the impugned judgment & order. This Court does not find any error apparent on the face of the record nor does it find any reason for reviewing the impugned judgment & order. Consequently, this Court does not find any ground to interfere with the impugned judgment & order.

7. The review petition is accordingly dismissed.

JUDGE

Comparing Assistant