

GAHC010081882024



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

Case No. : I.A.(Civil)/1270/2024

PARTHA PRATIM SEN AND 2 ORS.
S/O PARIMAL CHANDRA SEN, VILL- MADHABPUR, P.O.-KARICHERRA
BAZAR, P.S.-RAMNATH, DIST- HAILAKANDI, ASSAM, PIN-788165

2: PARIMAL CHANDRA SEN
S/O LATE PRONoy CHANDRA SEN
VILL-MADHABPUR
P.O.-KARICHERRA BAZAR
P.S.-RAMNATH
DIST-HAILAKANDI
ASSAM
PIN-788165

3: BIPLOB DEB
S/O LT. BORODA KANTA DEB
VILL AND P.O.-MONIPUR BAGAN
P.S.-KATLICHERRA
DIST-HAILAKANDI
ASSAM
PIN-78881

VERSUS

SUBIMAL KULI AND 4 ORS.
THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT (NH), GOVT. OF
ASSAM, CHANDMARI, GUWAHATI-03

2:BISHNU PRASAD DAS
THE EXECUTIVE ENGINEER
PWD KARIMGANJ N.H. DIVISION
KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788806

3:HIVARE NISARY GAUTAM
IAS
THE DEPUTY COMMISSIONER
HAILAKANDI
P.O. AND P.S.-HAILAKANDI
DIST- HAILAKANDI
PIN-788151

4:SHRI ANURAG JAIN

THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
NEW DELHI-01

5:SHRI RAJ CHAKRABORTY

THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF
ASSAM
DEPARTMENT OF P.W.D. (BUILDING AND NATIONAL HIGHWAY)
ASSAM
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : MR R DHAR

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06.05.2024

Heard Mr. S.B. Laskar, learned counsel for the applicant and Mr. R. Dhar, learned counsel of Chief Engineer, Govt. of Assam for the respondent no. 1.

2. The applicant as the writ petitioner, has preferred the connected contempt petition, Contempt Case[C] no. 625/2022.

3. The contempt petition is filed alleging deliberate disobedience of the direction given in an

Order dated 10.02.2022, whereby, the writ petition, WP[C] no. 951/2019 has been disposed of. It has inter-alia been directed to the respondent authorities in the Public Works Department [PWD] to examine and thereafter, disburse amounts of Rs. 4,03,879/- and Rs. 5,84,724/- in favour of the petitioner no. 2 and the petitioner no. 3 therein, respectively. In the contempt case, an affidavit-in-opposition has been filed on behalf of the respondent no. 1 herein, that is, the Chief Engineer, PWD [NH Works], Assam.

4. From the statements and averments made therein and the documents annexed thereto, it has emerged that the Chief Engineer, PWD [NH Works], Assam wrote to the Special Commissioner & Special Secretary to the Government of Assam, PWD [Building & NH Department] vide his letter dated 06.12.2022 to obtain funds for the estimated amount from the Ministry of Road Transport & Highways [MORT & H], Government of India for early disbursement of the compensation amounts in terms of the direction of this Court.

5. The applicant has filed this interlocutory application seeking impleadment of

Shri Raj Chakrabarty,
the Commissioner & Special Secretary
to Government of Assam, Department of PWD,
[Building and National Highway] Assam,
Dispur, Guwahati-6

as a party-respondent in the connected Contempt Case[C] no. 625/2022 as the said authority has not been impleaded earlier, though the said authority was one of the party-respondents in the writ petition, W.P.[C] no. 951/2019.

6. In view of the facts emerged from the affidavit-in-opposition filed by the respondent no. 1 in Contempt Case[C] no. 625/2022, the impleadment of afore-mentioned respondents is found necessary for the consideration of the contempt petition, Contempt Case[C] no. 625/2022. Accordingly, the instant interlocutory application is allowed.

7. Mr. Laskar, learned counsel for the petitioner shall file an amended cause-title before the Registry in terms of the Notification no. 79 dated 19.06.2023 within 3 [three] working days from today. On submission of such amended cause-title, the Registry to carry out the necessary corrections in the cause-title of Contempt Case[C] no. 625/2022 as well as in the CIS and list the contempt case accordingly, thereafter.

JUDGE

Comparing Assistant