

GAHC010083762024



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

Case No : I.A.(Civil)/1246/2024

HARESWAR KALITA AND ANR
(PRESIDENT OF SUNALI UDYOG SAMITTEE)

S/O- SRI NUMAL KALITA

R/O- NO. 2 KAKI MORIKALING

P.O.- SANKARPUR
P.S.- KAKI

DISTRICT- HOJAI
ASSAM

PIN- 782446.

2: HIRANYA BORA
(SECRETARY OF SUNALI UDYOG SAMITTEE)
S/O- SRI PRABHAT CHANDRA BORA
R/O- NO. 2 KAKI MORIKALING
P.O.- SANKARPUR
P.S.- KAKI
DISTRICT- HOJAI
ASSAM
PIN- 782446.
VERSUS

DIBYAJYOTI DOWARAH
THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI
ASSAM
GUWAHATI-36.

Advocate for : MR. K I MAZUMDER
Advocate for : appearing for DIBYAJYOTI DOWARAH

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06.05.2024

Heard Mr. K.I. Mazumder, learned counsel for the applicant.

2. The instant interlocutory application under Order 1 Rule 10, Code of Civil Procedure, 1908 r/w Section 151 CPC is preferred by the applicant seeking implement of the following authority :-

‘Sri Nripendra Sarma,
Chief Engineer [Sanitation],
Public Health Engineering Department, Hengrabari,
Assam, Guwahati – 781036’

as a party-respondent in the connected contempt petition, Contempt Case[C] no. 781/2023.

3. The contempt petition, Contempt Case[C] no. 781/2023 has been preferred by the applicant as the petitioner, alleging non-compliance of the direction made in an Order dated 19.06.2023, whereby, the writ petition, W.P.[C] no. 6216/2023 was disposed of with the direction to the respondent authorities in the Public Health Engineering Department, Govt. of Assam, more particularly, the Chief Engineer, Public Health Engineering Department, to cause an enquiry and to release the remaining amount due to the petitioner therein towards execution of contract-works. In the writ petition, the Chief Engineer, Public Health

Engineering Department was impleaded as the party-respondent no. 2.

4. It is stated that in the intervening period, the Chief Engineer, Public Health Engineering Department has since been bifurcated into two divisions viz. [1] the Chief Engineer [Water], Public Health Engineering Department; and [2] the Chief Engineer [Sanitation], Public Health Engineering Department.

5. The contract-works against which the writ petition was preferred, have now come under the authority and jurisdiction of the Chief Engineer [Sanitation], Public Health Engineering Department. It is in the above background, the impleadment of the afore-mentioned authority as a party-respondent in Contempt Case[C] no. 781/2023 has sought for.

6. Having regard to above obtaining fact situation, the instant interlocutory application for impleadment of the afore-mentioned authority is allowed, as the presence of the said authority is found necessary for consideration of the contempt petition.

7. Mr. Mazumder, learned counsel for the applicant 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. 781/2023 as well as in the CIS and list the contempt case accordingly, thereafter.

JUDGE

Comparing Assistant