GAHC010092762024

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

Case No. : Review.Pet./81/2024

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR, GUWAHATI-6

2: THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI-3

3: THE SUPERINTENDENT ENGINEER

NAGAON
WATER RESOURCES CIRCLE A.T ROAD

P.O. AND DIST- NAGAON
ASSAM
PIN-782001

4: THE EXECUTIVE ENGINEER

NAGAON WATER RESOURCE DEPARTMENT
A.T ROAD
NAGAON
ASSAM 782001
ASSA

VERSUS

MUSTAFIZUR RAHMAN
S/O LATE MUKHLESWAR RAHMAN
RESIDENT OF FAUZDARIPATTY KATHMIL CHARIALI, THOGISUT PATH, DIST NAGAON, ASSAM 782001

Advocate for the Petitioner : MR R M DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 12/06/2024

Heard Mr. R.M. Das, learned counsel appearing for the review petitioners.

The Department of Water Resources, State of Assam, has preferred these review petitions seeking review/recall of the common order dated 27/09/2022 passed by this Court in WP(C) No. 7378/2021 and the bunch of connected writ petitions wherein, this Court after hearing the learned counsel for the parties, had passed the following directions :-

> "*(1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly Session pertaining to the scheme to the competent authority of the Ministry of Jal Shakti, Government of India.*
>
> *(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti to release the amount due under the schemes to the concerned Department of the Government of Assam.*
>
> *(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days.*
>
> *In view of the directions issued herein above, the respondents to complete the entire process within a period of four months from today.*
>
> *A copy of this order be furnished to Mr. B. Goswami, learned Addl. Advocate General, Assam and Mr. R. K. Dev Choudhury, learned DSGI.*
>
> *The written instructions dated 26.09.2022 be kept as a part of the record of this case.*

All these writ petitions stand disposed of accordingly."

By referring to the order dated 27/09/2022, Mr. Das has argued that all these review petitions arise out of the common order dated 27/09/2022 passed in the connected writ petitions wherein, the Ministry of Jal Shakti was not made a party.

Contending that the pending bills could not be cleared by the State of Assam due to non-receipt of the share of contribution coming from the Ministry of Jal Shakti, Union of India, Mr. Das submits that these writ petitions are required to be heard afresh after serving notice upon the Ministry of Jal Shakti. Mr. Das has, however, candidly submitted that the order dated 27/09/2022 passed by this Court even in respect of those writ petitions where the Ministry of Jal Shakti was impleaded as party, has not been complied with till today.

Be that as it may, this Court finds that by the order dated 27/09/2022 direction was also issued to the Ministry of Jal Shakti to release the amount due under the scheme. The Ministry of Jal Shakti was duly represented by Mr. R.K. Dev Choudhury, learned Deputy Solicitor General of India but no objection was raised by the learned counsel for the respondents on the ground of non-joinder of necessary party. Moreover, the said Ministry has also not sought any review of the order.

It was for the petitioners to implead the Ministry of Jal Shakti and if they had failed to do so resulting in a situation where the order dated 27/09/2022 cannot be implemented on technical grounds, even then, it would be for the writ petitioners to face the consequences. The same cannot, however, be a ground for this Court to review/ recall the order dated 27/09/2022, which was passed by this Court after hearing the learned counsel for the parties including the Deputy Solicitor General of India representing the Ministry of Jal Shakti in the Union of India as well as the Brahmaputra Board.

For the reasons stated herein above, this Court does not find any good ground to review the order dated 27/09/2022. Consequently, these review petitions are held to be devoid of any merit. The same are accordingly, dismissed.

JUDGE

sukhamay

Comparing Assistant