

GAHC010111752024



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

Case No. : WA/199/2024

NUR MOHAL BEGUM AND ANR
W/O LATE ABDUL BATEN SK., RESIDENT OF VILLAGE CHENGURCHAR, PO
PURAN DIARA, PS MANKACHAR, DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

2: SRI SUBHASH CHANDRA BISWAS
ADVOCATE FOR WRIT PETITIONER
GAUHATI HIGH COURT
GUWAHATI 78100

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, IRRIGATION DEPARTMENT, DISPUR GUWAHATI 781006

2:THE CHIEF ENGINEER

IRRIGATION DEPARTMENT
ASSAM
CHANDMARI
GUWAHATI 03

3:THE EXECUTIVE ENGINEER

MANKACHAR DIVISION
DIST SOUTH SALMARA MANKACHAR
ASSAM
783135

4:THE DIRECTOR OF PENSION

ASSAM
BANPHOOL NAGAR

DISPUR
BASISTHAPUR
GUWAHATI 781006

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
KRISHNAPUR
BELTOLA TINAILI
GUWAHATI 78102

Advocate for the Petitioner : MR B D DAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 19.06.2024
(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellants being aggrieved with the judgment & order dated 08.05.2024 passed by the learned Single Judge in WP(C) No.7232/2021, whereby the learned Single Judge has dismissed the writ petition filed on behalf of the appellant No.1, essentially for the reason that the appellant No.1 has abused the process of the Court and has imposed a cost of Rs.25,000/- upon the appellant No.1 as well as the learned advocate appearing on behalf of the appellant No.1.

2. The appeal is filed on behalf of the appellant No.1, who has filed the writ petition and by the advocate, who represented the appellant No.1 before the learned Single Judge.

3. Having argued the matter quite for some time on merit, the learned senior counsel for the appellants has submitted that he does not want to press this appeal. However, he has prayed that the cost imposed by the learned Single Judge while dismissing the writ petition upon the appellant No.1 and the appellant No.2 be reduced.

4. It is submitted by the learned senior counsel for the appellants that the appellant No.1 is a poor and illiterate lady and she had no intention to mislead the Court and, therefore, the cost imposed upon her by the learned Single Judge be reduced. It is also submitted by the learned senior counsel for the appellants that the respondent No.2 has failed to disclose the facts regarding the pendency of the dispute in relation to the Succession Certificate of the deceased employee under the *bonafide* impression that the said matter is distinct from the prayer made in the writ petition filed on behalf of the appellant No.1 for grant of family pension.

5. The learned senior counsel for the appellants has frankly admitted that there was a mistake on the part of the advocate but has submitted that the advocate has no intention to abuse the process of the Court.

6. Having heard the learned counsel for the appellants and taking into consideration the facts and circumstances of the case, without going into the merits of the case, we dispose of this writ appeal while modifying the order of imposing cost of Rs.25,000/-, each, upon the appellant No.1 and the appellant No.2 and it is ordered that a cost of Rs.5,000/- is imposed upon the appellant No.1 and a cost of Rs.10,000/- is imposed upon Mr. S.C. Biswas, learned

counsel, who represented the appellant No.1 in the aforementioned writ petition. The aforesaid cost be deposited in the name of the Gauhati High Court Bar Association Welfare Fund within a period of 10(ten) days from today.

7. With the above modification, the writ appeal is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant