

GAHC010115912020



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

Case No. : Cont.Cas(C)/420/2020

1.ASSAM SOCIETY OF CENTRE OF EXCELLENCE AND 11 ORS.
A REGD. NGO BEARING REGISTRATION NO. RS/KAM/240/1/362 OF 1998/99
HAVING ITS HEAD OFFICE AT ARYA PATH, P.O.- GOPINATH NAGAR,
GUWAHATI- 16, P.S.- BHARALUMUKH, DIST.- KAMRUP (M), ASSAM,
REPRESENTED BY ITS WORKING PRESIDENT, SRI BABUL BISWAS, S/O-
LATE NAREN BISWAS, R/O- WARD NO. 15 (NEW), GOPINATH NAGAR,
HOUSE NO. 28, BHARALUMUKH, GUWAHATI- 16, DIST.- KAMRUP (M),
ASSAM.

2: CHANDAN MANDAL
SON OF HAREKRISHNA MANDAL
R/O. GOPINATH NAGAR BHARALUMUKH
GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

3: PURUJIT CHOUDHURY
S/O LT.- SUDHANGSHU CHOUDHURY
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

4: TAPAN BISWAS
S/O- LT. NAREN BISWAS
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

5: PHANIDHAR KALITA
S/O- RAM CHANDRA KALITA
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

6: BUBUL KALITA
S/O- TAPESWAR KALITA
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

7: SUJAN BISWAS
S/O NAREN BISWAS
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

8: BADAL SARKAR
S/O- LT. NARENDRA SARKAR
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

9: PRANITA CHOUDHURY
D/O- UMESH CHANDRA DAS
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

10: SMTI. LIPIKA SARKAR
D/O- SRI BADAL SARKAR
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

11: RANJAN CHOUDHURY
S/O- LT. S.K. CHOUDHURY
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM.

12: SMTI NIBEDITA KONWAR CHOUDHURY
D/O- LT. ARUN KONWAR
SON OF LATE SUDHANGSHU CHOUDHURY
R/O. GOPINATH NAGAR
BHARALUMUKH GUWAHATI- 16
IN THE DISTRICT OF KAMRUP(METRO) ASSAM

VERSUS

1.SRI BISWAJIT PEGU AND ORS.
DY. COMMISSIONER, KAMRUP (M), GUWAHATI- 781001.

2:SHRI LALIT GOGOI
SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
D- BLOCK ASSAM SECRETARIAT GHY- 6.

3:SRI SUMIT SATTAWAN, IAS
DEPUTY COMMISSIONER KAMRUP (M)
DIST-KAMRUP (M) GUWAHATI ASSAM-781001.

4:SRI GYANENDRA DEV TRIPATHI, IAS
SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
D-BLOCK ASSAM SECRETARIAT
DISPUR GUWAHATI-781006 ASSAM

For the Petitioner(s) : Ms. N. Dey, Advocate.
For the Respondent(s) : Ms. N. Bordoloi, Advocate for respondent Nos.2 and 4.
: Mr. S.R. Baruah, Advocate for respondent No.3.

– **BEFORE –**
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

29.05.2024

(Vijay Bishnoi, CJ)

Mr. S.R. Baruah, learned counsel puts in appearance on behalf of the substituted respondent No.3.

It is submitted that the Circle Officer, Guwahati Revenue Circle has already handed over the possession of land measuring 5 Bigha 2 Katha covered by Dag No.370, 381 and 382 of vill: Sahar Ulubari Pt. III under Ulubari Mouza to the Chief Executive Officer, Guwahati Metropolitan Development Authority for establishment of children's park vide Handing Over/Taking Over Certificate dated 13.12.2022. A copy of the said certificate is produced before us which is taken on record.

This Contempt petition is filed on behalf of the petitioners alleging that the order passed by this Court dated 26.08.2019 in PIL No.70/2018 has not been complied with.

Vide order dated 26.08.2019, this Court issued a direction to the respondents in the aforesaid writ petition (PIL) to utilise the aforementioned land for the purpose of construction of children's part after removing encroachment from the said land.

Since the possession of land in question has already been handed over to the Chief Executive Officer, Guwahati Metropolitan Development Authority and considering the fact that the authorities of the Guwahati Metropolitan Development Authority are neither the party in the writ petition (PIL) nor in this contempt petition, we are of the view that the order passed by this Court has substantially been complied with. However, if the petitioners have any grievance regarding non-establishment of the children's park, they are free to pursue their cause/causes before the Guwahati Metropolitan Development Authority.

With the above observations, this contempt petition is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant