

GAHC010124752023



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

Case No. : Cont.Cas(C)/357/2023

BRAJESH KUMAR SAH
S/O- LATE BASUDEV KUMAR SAH,
R/O- NEW COLONY, KALIBARI, BONGAIGAON TOWN,
P.O AND P.S- BONGAIGAON,
DIST- BONGAIGAON, ASSAM, PIN-783380

VERSUS

SUBODH CHANDRA DAS
THE CHAIRMAN,
BONGAIGAON MUNICIPAL BOARD,
BONGAIGAON MUNICIPALITY OFFICE,
DIST- BONGAIGAON, ASSAM, PIN-783380

Advocate for the Petitioner : MR H BURAGOHAIN, MS R SAHA

Advocate for the Respondent : MR. S C BISWAS, MS A BORAH

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

12.08.2024

1. Heard Ms. R. Saha, learned counsel for the petitioner. Also heard Ms. A. Bora, learned counsel for the respondents.

2. The instant contempt proceedings have been initiated for non-compliance to the order dated 01.08.2022 passed in WP(C) No.4280/2017. The directions which were passed in the said order is quoted herein below:

“Situating thus and taking note of the stand of the respondent No.2, as reflected in paragraph 6 of the counter-affidavit, I dispose of the writ petition by setting aside the impugned order dated 08.05.2017 with a direction upon the respondent No.3 to consider the show cause reply submitted by the writ petitioner afresh and dispose of the same by a speaking order. In doing so, the respondent No.3 is expected to adopt a human approach, particularly in view of the fact that the petitioner has suffered a critical health condition in the form of kidney transplant surgery, which not only involves huge financial expenditure but also reduces the capacity of a person to live a normal life. Until such time, the exercise as directed by this Court is carried out and completed, status quo as regards the shop room No.16 be maintained.

Writ petition stands disposed of accordingly.”

3. Ms. A. Bora has submitted letter no. BM/CCF-40/2020/15 dated 01.08.2024, which is a speaking order made in compliance with the order passed in WP(C) No.4280/2017, which states as follows :

*“To,
Sri Brajesh Kumar Sah,
S/o Sri Basudev Kumar Sah,
R/o New Colony, Kalibari, Rly. Qtr. No. 410/B,
P.O & Dist. Bongaigaon, Assam
Mobile No.*

Sub: Speaking Order

Ref: WP(C) No.4280/2017 and Cont. Case No. (C) 357/2023.

Sir,

With reference to the subject cited above, you are directed to meet with the undersigned within 48 hours of receipt of this Speaking Order along with all of yours relevant documents for execution of the renewal of the Rent Agreement and Trade License in connection with the shop No. 16, situated at Chilarai Daily Market, Bongaigaon.

You are further directed to clear up all of yours outstanding dues regarding shop No. 16 and deposit the receipt of same to the undersigned before taking possession of shop No. 16, situated at Chilarai Daily Market, Bongaigaon."

- 4.** Ms. A. Bora submits that the petitioner has cleared all his dues which were required to be cleared and the petitioner has been re-allotted Room No.16, situated at Chilarai Daily Market, Bongaigaon, vide letter dated 05.08.2024 issued by the Chairman, Bongaigaon Municipality.
- 5.** The documents submitted by Ms. A. Bora, which includes letters dated 01.08.2024 and 05.08.2024 issued by the Chairman of the Bongaigaon Municipality, Bongaigaon, along with payment receipts are made a part of the record and marked as Annexure-X collectively.
- 6.** The letter dated 05.08.2024 issued by the Chairman of the Bongaigaon Municipality, Bongaigaon shows that the petitioner has been re-allotted Room No.16, situated at Chilarai Daily Market, Bongaigaon with immediate effect and that the petitioner has been asked to take possession of the room and execute a fresh Rent Agreement with the Bongaigaon Municipality within 7 (seven) days from the date of receipt of the letter.

7. In view of the above, this Court finds that the order dated 01.08.2024 passed in WP(C) No.4280/2017 has been complied with.

8. The contempt petition stands closed.

JUDGE

Comparing Assistant