

GAHC010147872024



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

Case No. : Cont.Cas(C)/389/2024

CHAMPUPARA BAZAR COMMITTEE AND ANR
AT CHAMPUPARA BAZAR, P.O. CHAMPUPARA BAZAR, P.S. CHAYGAON,
DIST. KAMRUP, ASSAM, PIN- 781136, REP. BY THE PRESIDENT OF
CHAMPUPARA BAZAR COMMITTEE, ABDUS SATTAR, R/O- VILL.-
CHAMPUPARA PATHAR, P.O. CHAMPUPARA BAZAR, P.S. CHAYGAON, DIST.
KAMRUP, ASSAM

2: ABDUS SATTAR
S/O- LATE ABDUS SALAM
R/O- VILL.- CHAMPUPARA PATHAR
P.O. CHAMPUPARA BAZAR
PS CHAYGAON
DIST. KAMRUP
ASSAM
PIN- 781136

VERSUS

KHOIRUL HUSSAIN AND 4 ORS.
S/O- LATE TOSER ALI, R/O- VILL.- CHAMPUPARA GAON, P.O.
CHAMPUPARA BAZAR, P.S. CHAYGAON, DIST. KAMRUP, ASSAM, PIN-
781136.

2:MONTAZ ALI AHMED
S/O- LATE SHONGSHER ALI
R/O- VILL.- CHAMPUPARA GAON
P.O. CHAMPUPARA BAZAR
P.S. CHAYGAON
DIST. KAMRUP
ASSAM
PIN- 781136.

3:NASIM UDDIN AHMED
S/O- LATE ABDUL JALIL

R/O- GOROIMARI BAZAR
P.O. TUKRAPARA
P.S. GOROIMARI
DIST. KAMRUP
ASSAM
PIN- 781137.

4:CHAN MAHMUD
S/O- LATE ABDUL JOBBAR
R/O- VILL.- CHAMPUPARA PATHAR
P.O. CHAMPUPARA BAZAR
P.S. CHAYGAON
DIST. KAMRUP
ASSAM
PIN- 781136.

5:SOBUR UDDIN
S/O- LATE HUSSAIN ALI
R/O- VILL.- GOROIMARI SATRA
P.O. TUKRAPARA
P.S. GOROIMARI
DIST. KAMRUP
ASSAM
PIN- 781137

Advocate for the Petitioner : MR. A M AHMED, P. GHOSH

Advocate for the Respondent : MR. S SINHA (R-1 TO 5), MS. M SHARMA(R-1 TO 5)

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 06.11.2024

Heard Mr. A. M. Ahmed, learned counsel for the petitioners and Mr. S. Sinha, learned counsel for all the contemnors/ respondents.

The present contempt petition has been filed alleging violation of the order dated 08.05.2024 passed by this Court in FAO No. 29/2024. The said order is reproduced hereinbelow:-

“Heard Mr. R. Majumdar, learned counsel for the appellant.

The appeal is admitted.

Issue notice.

Appellant shall take steps for service of notice on the respondents by dasti.

List after four weeks.

It is further directed that till the returnable date, no construction works shall be undertaken over Schedule- E to M land.”

Mr. S. Sinha, learned counsel for the respondents/ contemnors submits that the petitioners did not take steps for service of notice upon the respondents/ contemnors as ordered by this Court on 08.05.2024 but the notice was served by the registered post with A/D through the Registry of this Court.

Mr. Sinha learned counsel for the contemnors/ respondents further submits that immediately on receipt of the notice by registered post with A/D, the respondents/ contemnors have stopped construction works and thereafter no construction has been undertaken by the respondents/ contemnors as

alleged by the petitioners.

In view of the submission made by the learned counsel for the respondents/ contemnors and taking into consideration that the respondents/ contemnors are no longer undertaking construction works in the suit land subsequent to the receipt of the notice from the Court, this Court is of the considered view that no contempt has been made out against the contemnors/ respondents.

Accordingly, the contempt petition is closed and dismissed.

JUDGE

Comparing Assistant