

GAHC010167562024



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

Case No. : WA/293/2024

MONTU GOGOI
S/O- KULADHAR GOGOI, R/O- DULAKAKHARIA, P/O- DULAKAKHARIA,
P/S- GELAKEY, DIST- SIVASAGAR, PIN- 785696.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT, DISPUR CAPITAL COMPLEX,
DISPUR-, GUWAHATI, ASSAM.

2:THE DEPUTY COMMISSIONER
DISTRICT- SIVASAGAR
ASSAM.

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
GOVT. OF ASSAM
PANJABARI
JURIPAR, GUWAHATI-37
ASSAM.

4:THE CHIEF EXECUTIVE OFFICER
SIVASAGAR ZILLA PARISHAD
SIVASAGAR, DISTRICT- SIVASAGAR
ASSAM

For the petitioner/appellant(s) : Mr. A. K. Purkayastha, Advocate
Mr. H. Ali, Advocate

For respondent(s) : Mr. P. Handique, SC, PNRD
Ms. R.B. Bora, Jr. GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

30.08.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 01.08.2024, passed by the learned Single Judge in WP(C) No. 5958/2023 filed by the appellant herein.

In the impugned order, the learned Single Judge has observed that the learned counsel for the writ petitioner submitted that the petitioner would comply with the order of transfer and, accordingly, vide the order dated 01.08.2024, the appellant herein was directed to join at the place of transfer within a period of one week, and the matter was directed to be listed again on 22.08.2024.

Learned counsel for the appellant has submitted before this Court that no such submission was made before the learned Single Judge on 01.08.2024 and the said submission has wrongly been recorded.

Having heard the learned counsel parties, we are of the view that if the learned Single Judge has recorded any submission which was not made before him, it is appropriate for the appellant/writ petitioner to seek clarification from the learned Single Judge only and not from the writ Court and, hence, we are not inclined to interfere with the impugned order.

The writ appeal is accordingly dismissed.

However, considering the fact that the Bench of the learned Single Judge was not available on 22.08.2024, we deem it appropriate to direct the Registry to list the

matter before an appropriate Bench having the roster, without treating the matter as 'part-heard'.

JUDGE

CHIEF JUSTICE

Comparing Assistant