

GAHC010180492024



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

Case No. : WP(C)/4566/2024

JAMILA BIBI @ JAMILA BEGUM
W/O- LATE SATTAR ALI, VILL.- SATBIL PT.-II (TOKEYAMARI), P.O.
BINNYAKHATA, P.S. GOSSAIGAON, DIST.KOKRAJHAR, BTR, ASSAM, PIN-
783336.

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, BTC, KOKRAJHAR,
ASSAM-783370.

2:THE COMMISSIONER

P AND RD DEPTT.
ASSAM
JURIRPARA
PANJABARI
GUWAHATI-37.

3:THE DIRECTOR OF P AND RD
BTC

KOKRAJHAR
ASSAM
PIN- 783370.

4:THE SECRETARY

MAHAKUMA PARISHAD
KOKRAJHAR
P.O.AND DIST.KOKRAJHAR
BTC

ASSAM-783370.

5:THE DISTRICT COMMISSIONER
KOKRAJHAR
P.O. AND DIST.KOKRAJHAR
BTC
ASSAM-783370

Advocate for the Petitioner : MD. A HUSSAIN, MR. K ALOM,MR. T ISLAM

Advocate for the Respondent : GA, ASSAM, SC, BTC,SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 09-09-2024

Heard Mr. A. Hussain, learned counsel for the writ petitioner. Also heard Mr. S. Bora, learned standing counsel, BTC appearing for the official respondents who has invited the attention of this Court to the order dated 29-05-2024 passed by this Court in W.P.(C) No. 2741/2024 instituted by the same writ petitioner by contending that although an earlier order passed by this Court directing the Principal Secretary to the Govt. of Assam, BTC, Kokrajhar to consider the representation to be submitted by the writ petitioner with similar grievance within 02 months from the date of receipt and notwithstanding the representation submitted by the petitioner, the same has not been considered till date in compliance of the order of this Court, instead of instituting a contempt case, the writ petitioner has approached this Court for the second time by instituting the present writ petition, with a similar prayer, in a manner which is impermissible in the eyes of law.

Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam has also supported

the above contention of the learned standing counsel, BTC.

It is settled law that when there is an order passed by the Court, which has not been complied with by the authorities, the remedy lies in filing a contempt case and not in approaching the Court, once again, by filing another writ petition on the same cause of action.

In view of the above, this Court is of the unhesitant opinion that this writ petition is not maintainable in the eyes of law. The same is accordingly closed by granted liberty to the petitioner to institute a contempt proceeding against the erring officials, if so advised.

JUDGE

GS

Comparing Assistant