

GAHC010192592020



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

Case No. : Cont.Cas(C)/5/2021

SANTI GOPAL MANDAL
S/O LATE BANDHU RAM MANDAL, R/O VILL-RUBBER BAGAN, P.O. AND
P.S.-TEZPUR, DIST-SONITPUR, ASSAM

VERSUS

BIRAJ TALUKDAR
CHIEF ENGINEER, P.W.D. (ROADS), ASSAM, CHANDMARI, GUWAHATI-
781003, DIST-KAMRUP(M), ASSAM

For the petitioner (s) : None appears

For the respondent (s) : Mr. B. Gogoi, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

05.02.2024

None has appeared on behalf of the petitioner on call.

2. Mr. B. Gogoi, the learned counsel appearing on behalf of the respondent submits that the respondent has duly made the verification and submitted the proposal to the Government. He, therefore, submits that as the respondent has already complied with the direction as per the

order dated 27.01.2020 in WP(C) No.8928/2019, the contempt proceedings therefore needs to be dropped against the respondent. It is submitted that as the petitioner ought to have made the concerned official of the Government responsible as a party which the petitioner had not done so. The reason being that no direction was issued in the order dated 17.01.2020.

3. It is also seen that the petitioner has not been represented on the earlier occasion also. This Court has also perused the order dated 27.01.2020 passed in WP(C) No.8929/2019 wherein the directions were to the Chief Engineer, PWD to re-verify the claim made by the petitioner in the writ petition and release the amount to him against the contractual work order dated 07.04.2007 of the Superintending Engineer, PWD to the extent the petitioner is entitled to. Taking into account that the respondent herein had already complied with the directions, in the opinion of this Court, the contempt proceedings cannot be maintained against the respondent herein.

4. Accordingly, the contempt proceedings stands dropped.

5. The petitioner however is given the liberty to file appropriate proceedings against the said authorities for not releasing the amount to the petitioner in spite of the verification and proposal submitted by the Chief Engineer, PWD.

JUDGE

Comparing Assistant