

GAHC010243572024



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

Case No. : WP(C)/6558/2024

SHRI BASDEO
S/O- LATE LACHMAN DAS, R/O- JASUDHARA APARTMENT, BYE LANE NO.
4, PANDU POST ROAD, ANAND NAGAR, ADABARI, GUWAHATI-12.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF REVENUE, DISPUR, GUWAHATI-6.

2:THE DISTRICT COMMISSIONER
OFFICE OF THE DISTRICT COMMISSIONER
KAMRUP(M)
GUWAHATI-1.

3:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
ULUBARI
NEAR D.G.P. OFFICE
KAMRUP(M)
GUWAHATI-7

Advocate for the Petitioner : MR. S P ROY, JYOTISH DAS,MS. P AGARWALA,MS. V RAI

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

09-12-2024

Heard Mr. J. Das, learned counsel for the petitioner. Also heard Mr. J. Handique, learned Government Advocate, Assam.

2] Learned counsel for the petitioner submits that by order dated 21.06.2023 passed in WP(C) No.2202/2022, the Circle Officer, Guwahati Revenue Circle was directed to dispose of mutation case being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 and MET/Guw/2018-19/241/OMUT dated 24.07.2018 filed by the petitioner as expeditiously as possible preferably within a period of 1 (one) month from the date of receipt of a certified copy of the order. This order having not been complied with the petitioner filed Cont.Cas(C) No. 557 of 2023 and this contempt petition was closed by order dated 04.10.2024 which is quoted below:

“Mr. N. Goswami, the learned Junior Government Advocate pursuant to the order dated 25.09.2024 has submitted that in pursuance to the direction passed by this Court on 21.06.2023 in WP(C) No.2202/2022, the Mutation Cases being MET/GUW/2017-18/3884/OMUT and MET/GUW/2018-19/241/OMUT have been already disposed of and the record of rights also updated. In that regard, he has placed before this Court an instructions issued by the Circle Officer, Guwahati Revenue Circle dated 03.10.2024 along with the corrected record of rights as well as the order sheet. The same are kept on record and marked with the letter “X”.

2. In that view of the matter, the order dated 21.06.2023 in WP(C) No.2202/2022 having already been complied with, the instant Contempt Proceedings stands dropped. “

3] It is the submission of the learned counsel for the petitioner that when the contempt petition was closed, the petitioner was not posted with the required instructions in the matter. Subsequently, upon verification it is found that K.P. patta No.512, Dag No.1251 of Village Paschim Boragaon, Mouza-Jalukbari has not been mutated in the name of the petitioner although mutation case being K.P. Cases No.MET/Guw/2017-18/3884/OMUT was a part of the proceedings in WP(C) No.2202/2022 and the direction was passed vide order dated 21.06.2023 to dispose of K.P. Cases No.MET/Guw/2017-18/3884/OMUT . He has, therefore, approached the Court praying for a specific direction.

4] Mr. J. Handique, learned Government Advocate, Assam submits that the directions contained in the order dated 21.06.2023 passed in WP(C) No.2202/2022 were stated to have been complied with because of which Contempt Case (C) No. 557/ 2023 came to be closed by order date 04.10.2024 and therefore, no further cause survives in the present writ petition and the same should be dismissed.

5] Learned counsel for the parties have been heard. Pleadings on the record have been considered and order passed by this Court in WP(C) No.2202/2022

on 21.06.2023 as well as in Contempt Cas(C) No.557/2023 on 04.10.2024 has also been perused.

6] The directions contained in the order dated 21.06.2023 passed in WP(C) No.2202/2022 carried a specific direction to the Circle Officer, Guwahati Revenue Circle to dispose of mutation case being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 and MET/Guw/2018-19/241/OMUT dated 24.07.2018 filed by the petitioner as expeditiously as possible preferably within a period of 1 (one) month from the date of receipt of a certified copy of the order. That order not having been carried out as directed by this Court the petitioner filed Cont.Cas(C) No.557/2023. This Contempt Petition also came to be closed by Order 04.10.2024 recording the submissions of the learned Junior Government Advocate, Assam that the order of the Writ Court dated 21.06.2023 passed in WP(C) No.2202/2022 had been carried out and both the mutation cases being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 and MET/Guw/2018-19/241/OMUT dated 24.07.2018 had already been disposed of and the record of rights had also been updated. A copy of the instructions was placed on record and the same was also kept in the part of the case records of the Contempt Petition.

7] Learned counsel for the petitioner submits that although the contempt

petition was closed on the submission that the order passed by the Writ Court but one particular Dag number which was a part of the mutation case being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 was not updated in the name of the petitioner and therefore, the directions issued by the Writ Court in WP(C) No.2202/2022 on 21.06.2023 were not fully complied with.

8] Upon careful perusal of the order dated 04.10.2024 passed in Contempt Case (C) No. 557 of 2023, it is seen that an order was passed by the Circle Officer, Guwahati Revenue Circle stating that both the mutation cases being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 and MET/Guw/2018-19/241/OMUT dated 24.07.2018 were disposed of and the record of rights were updated. The order dated 04.10.2024 in Contempt Case (C) No. 557 of 2023 was passed after hearing the parties. If the directions contained in WP(C) No.2202/2022 by order dated 21.06.2023 did not stand complied with fully, it was incumbent upon the learned counsel for the petitioner to bring it to the notice of the Court which had passed the order dated 04.10.2024 in the contempt proceedings. However, learned counsel for the petitioner has not been able to explain why no such steps have yet been taken by the petitioner.

9] By order dated 21.06.2023 passed in WP(C) No.2202/2022 the Circle

Officer, Guwahati Revenue Circle was directed to the dispose of mutation cases number K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 and MET/Guw/2018-19/241/OMUT dated 24.07.2018. Therefore, in terms of the above mentioned directions, the orders were required to be carried out and executed by the respondents. If any or part of the order has not been carried out, it is necessary for the aggrieved party to bring it to the notice of the Court, more particularly, when a contempt petition was filed for non compliance of the directions contained in the order dated 21.06.2023 was closed by an order dated 04.10.2024.

10] Under such circumstances, this Court is not inclined to entertain the present writ petition in the present form, inasmuch as, if the submission of the learned counsel for the petitioner is to be accepted, that the directions of the Writ Court in respect of the mutation cases being K.P. Cases No.MET/Guw/2017-18/3884/OMUT dated 14.06.2018 is not carried out by the concerned Circle Officer then it would imply that the directions issued by a writ court earlier regarding this matter is still continuing. No fresh directions are required. The petitioner is allowed to take appropriate legal remedy, if so advised.

11] The writ petition stands dismissed in terms of the above.

JUDGE

Comparing Assistant