

GAHC010278222023



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

Case No. : I.A.(Civil)/3825/2023

MUSLIM ALI
SON OF LATE MAKBUL ALI,
RESIDENT OF SUNDARBARI,
P.S.- JALUKBARI, GUWAHATI- 781014,
DISTRICT- KAMRUP(METRO), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVT. OF ASSAM, PUBLIC WORKS DEPARTMENT (ROADS), DISPUR,
GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPARTMENT (ROADS)
DISPUR
GUWAHATI- 781006.

3:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (BORDER ROADS)
ASSAM
CHANDMARI
GUWAHATI-3.

4:THE SUPERINTENDING ENGINEER
PWD
BARPETA ROAD CIRCLE
BARPETA
PIN- 781301.

5:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)

BARPETA
BAGHBAR AND CHENGA TERRITORIAL ROAD DIVISION
BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR P SARMA

Advocate for the Respondent : SC, PWD ROAD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 06-03-2024

The instant application has been filed seeking correction of the judgment and order dated 24.11.2023 in WP(C)/5305/2022 whereby the petitioner has sought for correction of the names in the cause title of the respondents as well as an inadvertent mistake committed in paragraph 3 of the said judgment and order wherein the 3rd R.A. Bill was mentioned as 21.08.2006 which ought to have been 21.08.2020.

2. This Court had duly taken note of that the writ petition wherein the respondent No. 2 has been shown as the Commissioner & Secretary to the Government of Assam, Public Works Department (Roads), Dispur, Guwahati-781006 and the same is duly reflected in the names of the parties in the judgment and order dated 24.11.2023 and accordingly, there is no need for any correction of the same.

3. As regards the respondent No. 5, it is seen from the records of WP(C)/5305/2022 that by hand the name of Executive Officer has been made as Executive Engineer. The record however does not reveal that any leave was taken from this Court for correction of the said name.

4. Be that as it may the learned counsel appearing on behalf of the petitioner submits that the said correction was made after filing of the writ petition but before the matter came before this Court.

5. Taking into account that in the Public Works Department (Roads), there is no officer with the rank of Executive Officer, however, the Officer ought to have been Executive Engineer, this Court for the ends of justice, permits the correction of the name of the respondent No. 5 from the '*Executive Officer*' to the '*Executive Engineer*'. The petitioner is further directed to file a fresh amended memo of parties before the Registry of this Court and on the basis of which the Registry of this Court shall upload the same in the CIS and thereupon, issue a fresh certified copy on payment of requisite fees.

6. As regards the correction sought for in paragraph 3 wherein there is a mention of the words "the 3rd R.A. Bill on 21.08.2006" in the judgment and order dated 24.11.2023, this Court have duly taken note of the paragraph 10 of the writ petition wherein also it was mentioned as the 3rd R.A. Bill on 21.08.2006 which the learned counsel for the petitioner admits that the mistake crept in the drafting of the writ petition. It is seen that because of such mistake, the said error had crept in paragraph 3 of the judgment and order dated 24.11.2023. However, this Court have duly taken note of the Annexure-IV series which shows that the date of the 3rd R.A. Bill was 21.08.2020.

7. Taking into account the interest of justice, this Court therefore corrects the words '*the 3rd R.A. Bill on 21.08.2006*' appearing in paragraph 3 of the judgment and order dated 24.11.2023 and the same should be read as '*the 3rd R.A. Bill on 21.08.2020*' in paragraph 3 of the judgment and order dated 24.11.2023 in WP(C)/5305/2022.

8. The instant order shall be a part of the judgment and order dated 24.11.2023.

9. This Court however cannot be unmindful of the fact that it was on account of the mistakes committed by the petitioner which had led the filing of the instant proceedings which has spoiled the precious judicial time of this Court. Under such circumstances, this Court imposes a cost of Rs.10,000/- (Rupees Ten Thousand) to be deposited by the petitioner before the Registry of this Court at the time of submission of the Amended Memo of Parties, which shall be thereupon transferred to the Legal Services Authority by the Registry.

10. Before parting with the record, this Court however, taking into account that these mistakes have been now corrected, the time limit specified to comply with the directions by the respondent authorities shall now be counted from the date of submission of a certified copy of the present order before the respondent No. 3 along with the fresh corrected judgment and order dated 24.11.2023 in WP(C)/5305/2022.

11. With the above observations and directions, this Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant