GAHC010229932026

2026:GAU-AS:16043

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

Case No. : Cont.Cas(C)/582/2026

NABAJYOTI DUTTA
S/O SRI BIPIN DUTTA, R/O KARANGA KAMAR HAZARIKA GAON, P.O.- KARANGA, DIST.- JORHAT, ASSAM- 785001

VERSUS

BHASKAR SARMA AND 3 ORS.
CHIEF ENGINEER, PUBLIC HEALTH ENGINEERING DEPTT.,
HENGERABARI GUWAHATI- 781036

2:JAYANT NARLIKAR
COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006

3:AJOY LAHON
EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT.
JORHAT DIVISION JORHAT- 785001

4:SHRIMOTI MARLINA GUWALA
ASSTT. EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT.
JORHAT DIVISION
JORHAT- 78500

For the Petitioner(s) : Ms. S. Deb, Advocate

For the Respondent(s) : None appears

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 02.11.2026

Heard Ms. S. Deb, the learned counsel for the petitioner.

2. This is an application under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India alleging willful and deliberate violation of the order dated 27.03.2023 passed in WP(C) No. 6286/2022.

3. It is relevant to take note of that the learned Coordinate Bench of this Court vide order dated 27.03.2023 had directed the Chief Engineer, Public Health Engineering Department, Assam to examine and verify the claim of the petitioner within a period of 45 days from the date of receipt of the certified copy of the order. It was further directed that if upon such examination and verification, any amount was found due to the petitioner in respect of the contract work, the concerned Respondent Authorities would process the claim of the petitioner for disbursement of Rs. 2,41,715/- in accordance with law and in light of the directions contained in ***Tamsher Ali & Others Vs. State of Assam & Others*** reported in ***2008 (4) GLT 1***.

4. It is the case of the petitioner that no amount was paid

pursuant thereto and that the petitioner filed an application under the Right to Information Act, 2005. Upon filing of the said application, information was furnished to the petitioner on 18.12.2024 wherein it was mentioned that steps had been taken for clearing the liabilities under the Court Cases, Head of Account. It is the further case of the petitioner that no further steps have been taken thereupon and as such, the present contempt proceedings.

5. It is the opinion of this Court that the petitioner would be well advised to submit a representation to the Chief Engineer, PHE, Assam and, if no steps are taken thereafter, the petitioner should be provided liberty to approach this Court by filing a writ petition.

6. The said opinion is based on the fact that the petitioner had not submitted any further representation since 2024 and has directly approached this Court in 2026.

7. Considering the above, this Court is not inclined to initiate contempt proceedings at present. However, liberty is granted to the petitioner to submit a representation to the Chief Engineer, PHE, Assam. It is observed that if the Chief Engineer, PHE, Assam does not decide the said representation within a period of three months from the date of its submission, the petitioner

would be at liberty to approach this Court.

8. The petitioner is further granted liberty to submit a certified copy of this order along with the representation.

9. With the above observations, the instant contempt application stands closed.

JUDGE

Comparing Assistant