

GAHC010018672014



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

Case No. : Cont.Cas(C)/577/2014

SMTI MUNNI HARIJAN
W/O- LT. GOPAL BASPHOR, K.B. ROAD, GHY- 8, DIST.- KAMRUP ASSAM.

VERSUS

GYANENDRA DEV TRIPATHI and 2 ORS.
IAS, COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
REVENUE, DISPUR, GHY- 6.

2:DR. M. ANGAMUTHU
IAS
THE DY. COMMISSIONER
KAMRUP
GUWAHATI.

3:LAXMINANDAN SAHARIA
CIRCLE OFFICER
GUWAHATI REVENUE CIRCL

Advocate for the Petitioner : MR.S P CHOUDHURY

Advocate for the Respondent : MR.M BHAGABATI

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 09.06.2023

Heard Mr. S.P. Choudhury, learned counsel for the petitioner; Mr. M.

Bhagabati, learned counsel for the respondent no. 1; and Mr. D.K. Roy, learned counsel for the respondent no. 3.

2. The instant contempt application is preferred alleging violation of an order dated 04.06.2014 passed in the writ petition, W.P.[C] no. 2767/2014. The order dated 04.06.2014 was an interim order whereby it was directed that the petitioner should not be evicted, in the interim, from the subject-land. In the instant contempt application, it is alleged that there was clear violation of the direction made in the interim order dated 04.06.2014 by the respondents, more particularly, the respondent no. 3 who came to the plot of land belonging to the petitioner during the currency of the interim order and completely destroyed the RCC building of the petitioner standing on the subject-land, where she was living along with her family for about 14 years, on 18.11.2014. The writ petition was preferred after issuance of a notice dated 25.01.013 under Rule 18[2] r/w Regulation 165[1], 135[2] and 165[3] of the Assam Land and Revenue Regulation, 1886 in respect of Encroachment Case no. 14/2014. By the final order passed in the writ petition, W.P.[C] no. 2767/2014 on 20.01.2022, the said notice dated 25.01.2013 was set aside finding that the petitioner was allotted a patta in respect of the subject-land measuring 15 lechas covered by Dag no. 1312 of Patta no. 1046 under Mouza - Sahar Guwahati Part – II on 14.11.1993.

3. Office notes indicate that notice in this contempt application was duly served upon the respondent no. 3 prior to 08.05.2015.

4. Mr. Roy, learned counsel representing respondent no. 3 has submitted that the respondent no. 3 was transferred from the office of the Circle Officer, Guwahati Revenue Circle long back.

5. With the setting aside of the notice dated 25.01.2013 by the order dated 20.01.2022, it appears prima facie that the action of the respondent no. 3 in demolishing the RCC building of the petitioner on 18.11.2014 is in violation of the interim order dated 04.06.2014. Despite receipt of notice in this contempt application about 7 years earlier, the respondent no. 3 has not filed his response till date. The act of not responding to the notice of this Court in this manner prima facie is suggestive of an act of disobedience of the direction of the Court.
6. Mr. Roy, learned counsel for the respondent no. 3 has prayed for 7 [seven] days' time to file an affidavit on behalf of the respondent no. 3 as a last opportunity.
7. The prayer made by Mr. Roy, learned counsel for the respondent no. 3 is acceded to, thus, granting a week's time to file affidavit as a last opportunity.
8. List the case after a week.

JUDGE

Comparing Assistant