

GAHC010105452025



undefined

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

**Case No. : I.A.(Civil)/1564/2025**

PRIYANKA DEKA  
W/O BIKASH TALUKDAR, RESIDENT OF BARKURIHA VILLAGE NEAR  
GOPINATH MANDIR, MOROWA KAMALPUR ROAD, PO NALBARI, PS AND  
DIST NALBARI, ASSAM 781348

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.  
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR GUWAHATI  
781006

2:THE COMMISSIONER AND SECRETARY  
GOVT. OF ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR GUWAHATI 78100

**Advocate for the Petitioner** : MR A CHOWDHURY, IMSENKALA,MR S DUTTA,MS. B  
CHOWDHURY

**Advocate for the Respondent** : GA, ASSAM, SC, FINANCE AND TAXATION

Linked Case : WP(C)/6191/2024

JAYANTA DOLEY  
S/O LOLSING DOLEY  
R/O HOUSE NO. 115  
SUSHILA PATH  
KAINADHARA  
UDAYNAGAR  
KHANAPARA  
GUWAHATI-781022

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE  
GOVERNMENT OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
DISPUR  
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY  
GOVERNMENT OF ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR  
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR  
GUWAHATI-781006

-----  
Advocate for : MR A CHOWDHURY  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER****21.05.2025**

Heard Mr. A. Chowdhury, learned Senior Counsel assisted by Ms. B. Chowdhury, learned counsel for the applicant who submits that this application has been filed by the applicant/writ petitioner for a direction to the respondent authorities to comply with the interim orders dated 06.12.2024 and 10.01.2025 passed in WP(C) No. 5862/2024 and to immediately purge themselves of the contempt before being heard in the matter. The learned Senior Counsel submits that both the orders dated 06.12.2024 and 10.01.2025 passed in the writ petition were put to challenge by the respondent authorities by filing Writ Appeal No. 60/2025. The said Writ Appeal was however dismissed vide order dated 19.02.2025 without interfering with the interim orders passed by the learned Single Judge.

He submits that despite the same, the interim orders have not been complied with and in fact, the matter has been taken for discussion in the State Legislative Assembly on 03.03.2025. The learned Senior Counsel submits that in fact, discussion of the matter pending before the High Court in the State Legislative Assembly is clearly in violation of Rule 278 of the Rules of Procedure & Conduct of Business in the Assam Legislative Assembly. The learned Senior Counsel otherwise submits that a batch of writ petitions including the connected writ petition to the instant Interlocutory Application is scheduled to be listed on 29.05.2025 and

therefore, the instant application may also be listed on that day.

The learned Senior Counsel has stressed on his submission that before the matter is proceeded in the writ petition, the respondents should purge themselves of the contempt before being heard in the matter.

At this stage, Mr. N. Kohli, learned Senior Counsel assisted by Mr. A. Roy and Ms. N. Menon, learned counsels appears for the respondent State and submits that the State had filed an application for vacation of the interim orders vide I.A(Civil) No. 632/2025 which was taken up on 07.04.2025. The Court upon considering the respective submissions made by the parties was pleased to direct all the connected writ petitions as well as the I.A to be listed on 29.05.2025 and therefore, the instant Interlocutory Application filed by the applicant/writ petitioner should be tagged along with the other cases, which is scheduled to be listed on 29.05.2025 and that no notice may be issued in the instant I.A.

The learned Senior Counsel further submits that in fact the applicant has also filed Contempt Petition for alleged & willful violation of the Court's interim orders and the arguments advanced by the party concerned in the Contempt Petition as well as in the Interlocutory Application filed by the State and even as on today, in the present I.A are similar.

Mr. N. Kohli, learned Senior Counsel also submits that the arguments raised

by the learned Senior Counsel for the applicant that the matter was discussed in the State Legislative Assembly was also raised on 07.04.2025. The learned Senior Counsel thus submits that pending consideration of the entire matter on 29.05.2025, notice may not be issued in the instant case.

I have considered the submissions made by the learned counsels for the rival parties. Having regard to the fact that the instant I.A has been filed with specific prayer for a direction to the respondent authorities to purge themselves of the contempt before being heard in the matter, notice will have to be issued to the respondents so that they have the opportunity to respond to the contentions made in the instant application. It is however made clear that the notice is being issued without any prejudice to the respondents to raise any such ground or objection which they may want to raise on the next date fixed i.e., 29.05.2025.

Accordingly, let notice be issued returnable by 29.05.2025. Mr. D. Nath, learned counsel accepts notice on behalf of the State respondents. Applicant to furnish requisite copies of the application within the course of the day. The respondents will be at liberty to file their objection to the I.A.

List accordingly on 29.05.2025 along with the other cases.

**JUDGE**

**Comparing Assistant**