

GAHC010114532025



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

Case No. : Cont.Cas(C)/287/2025

ABDUL HALIM SK
S/O SOBDER ALI, R/O VILL- CHARKASHARIPARA, P.O.- FULERCHAR, P.S.-
SUKCHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM, PIN- 783135

VERSUS

RAHUL KUMAR GUPTA, IAS AND ANR
DISTRICT COMMISSIONER, SOUTH SALMARA MANKACHAR DISTRICT,
HATSINGIMARI, P.O.- HATSINGIMARI, PIN-783135

2:ACHINTYO ROY
ACS
ELECTION OFFICER
SOUTH SALMARA MANKACHAR DISTRICT
HATSINGIMARI
P.O.- HATSINGIMARI
DIST- SOUTH SALMARA HATSINGIMARI
ASSAM
PIN-78313

Advocate for the Petitioner : MR R ISLAM, MS. A HUSSAIN

Advocate for the Respondent : A SAHARIA (R-2), MR. R DHAR (R-1),MR. A TARAFDAR(R-2),A
MISHRA(R-2)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

24.03.2026

Heard Mr. R. Islam, learned counsel for the petitioner; Mr. R. Dhar, learned counsel for the respondent no. 1; and Mr. A. Tarafdar, learned counsel for the respondent no. 2.

Mr. Islam, learned counsel for the petitioner has submitted that from the statements made in the affidavits-in-opposition of the respondent no. 1 and the respondent no. 2 respectively, it is clearly discernible that both the respondent no. 1 and the respondent no. 2 have admitted the liability to the extent as claimed by the petitioner. However, the respondent no. 1 and the respondent no. 2 have taken a stand that though there is the liability to disburse the fund, the same would be released only after the requisite fund is made available by the General Administration Department.

It is the submissions of Mr. Dhar and Mr. Tarafdar that as the General Administration Department was not a party-respondent in the original writ proceeding, W.P.[C] no. 5083/2024, the present contempt petition is not to be proceeded further.

In response, Mr. Islam, learned counsel for the petitioner has submitted that even a non-party can be proceeded in a contempt petition, if such non-party in the original writ petition is subsequently made aware of the order or direction passed in the original proceedings. Submitting so, Mr. Islam has sought for 2 [two] weeks' time for impleadment of the proper authority in the General Administration Department with proper justifications.

The prayer made by Mr. Islam is allowed.

List the case on 24.04.2026.

JUDGE

Comparing Assistant