

GAHC010168052021



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

Case No. : Cont.Cas(C)/391/2021
with
WP(C) No. 3561/2021

SATYA TALUKDAR @ SATYA RAM TALUKDAR
S/O LATE MADHAB TALUKDAR, R/O VILL AND P.O.-BONGORA, P.S.-
PALASHBARI, DIST-KAMRUP, PIN-781015, ASSAM

VERSUS

KAILASH KARTHIK N, IAS AND 2 ORS
DEPUTY COMMISSIONER, KAMRUP, AMINGAON, PIN-781031, DIST-
KAMRUP, ASSAM

2:HITESH CHANDRA ROY
APS
SUPERINTENDENT OF POLICE
KAMRUP
AMINGAON
DIST- KAMRUP
PIN-781031

3:JIBENDRA BRAHMA
INSPECTOR OF POLICE
OFFICER-IN-CHARGE
PALASHBARI POLICE STATION
PALASHBARI
DIST- KAMRUP
PIN-781015
ASSA

Advocate for the Petitioner : MR P SHARMAH

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09-11-2021

Heard Mr. P. Sharmah, learned counsel for the petitioner.

It is stated by the petitioner that he is in occupation of Government land measuring about 1 Bigha 1 Katha and 15 Lechas under Dag No.768 Patta No.221 of Revenue Village - Bongora under Chayani Mouza of Palasbari in the District of Kamrup (Amingaon) since long constructing a dwelling house over it having electricity connection from the APDCL. It is also stated by the petitioner that for the said land he is paying Touzi Bahira and that said land has not yet been settled with him. It is stated that some persons led by one Smti Basanti Nath tried to grab his said land for which, the petitioner earlier approached the Deputy Commissioner, Kamrup; Officer-in-charge of Palashbari Police Station, the Circle Officer of Palasbari Revenue Circle and also the Superintendent of Police, Kamrup. Since no action was taken by the officials concerned, the petitioner preferred the connected WP(C) No. 3561/2021 praying amongst others restraining the respondents therein from forcibly putting said Smti. Basanti Nath in possession of said land, which is in occupation of the petitioner.

The Court after hearing the learned counsels for the parties by order dated 05.08.2021 issued notice to the respondents in said WP(C) No. 3561/2021 and in the interim directed the respondents therein to maintain status quo with regard to the land involved in the said case as on said date and the said interim order is still in force.

Petitioner stated that during pendency of said WP(C) No. 3561/2021 and the interim order that dated 05.08.2021 in force, on 10.08.2021, said Smti. Basanti Nath forcefully took over possession of the petitioner's said land, dispossessed the petitioner from a part of said land and constructed a boundary wall in that part of the land.

It is also stated that though the petitioner informed the Deputy Commissioner, Amingaon as well as the Superintendent of Police, Kamrup, Amingaon against such illegal and unauthorized occupation and construction by the private respondents of WP(C) No. 3561/2021 violating the Court's order dated 05.08.2021, the concerned officials did not take

any action.

Hence, this contempt petition by the petitioner for such willful disobedience and non-compliance and of the order dated 05.08.2021, passed in WP(C) No.3561/2021.

Mr. Sharmah, learned counsel for the petitioner also placed before the Court that the Deputy Commissioner, Kamrup as well as the Superintendent of Police are party respondent Nos. 5 and 6 in said WP(C) No.3561/2021 and that he had already intimated them about the said order dated 05.08.2021 passed in said writ petition.

Mr. Sharmah, learned counsel on instruction also submitted that the private respondents of WP(C) No.3561/2021 have left the place in question after constructing the boundary wall, noted above.

Issue notice, returnable by **07.12.2021**.

Petitioner shall take steps for service of notice on the respondents/contemnors by Registered post with A/D by tomorrow providing their correct and proper addresses with requisite postal steps.

JUDGE

Comparing Assistant