

GAHC010225962024



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

Case No. : WP(C)/5610/2024

DIPANKAR DUTTA LAHKAR
S/O- SRI JAJNYA DUTTA LAHKAR, R/O- HOUSE NO.-6, LAKSHMINAGAR,
RUPNAGAR, GUWAHATI- 32

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, GOVERNMENT
OF ASSAM, HOME AND POLITICAL DEPARTMENT, JANATA BHAWAN,
DISPUR, GUWAHATI-6

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. K N CHOUDHURY, N GAUTAM,MR. J PATOWARY

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04/11/2024

Heard Mr. J. Patowary, learned counsel for the writ petitioner. Perused the averments made in the writ petition.

It appears from the pleadings in the writ petition that the petitioner is facing simultaneous criminal trial and departmental proceeding, which are allegedly not only grounded on the same set of facts but also based on the same set of witnesses.

Contending that parallel proceedings in respect thereof, is highly prejudicial to the interest of the petitioner, the present writ petition has been filed with a prayer to stay the Departmental proceeding till disposal of the criminal case. Mr. Patowary submits that similar writ petitions have been admitted by this Court and fixed for consideration on 14/11/2024 wherein, interim orders are operating. Therefore, a similar order be passed in the present case as well. It is also the submission of Mr. Patowary that no further date has been notified in the departmental proceeding.

Mr. D. Bora, learned Government Advocate, Assam, appearing for the official respondents submits that other matters are fixed on 14/11/2024.

In view of the above, issue notice of motion returnable on 14/11/2024.

Since Mr. D. Bora, learned Government Advocate, Assam, has accepted notice on behalf of all the respondents, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within two days from today.

Heard on the prayer for interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that the departmental proceeding *qua* the writ petitioner shall remain suspended until further order.

Registry to list this case again on 14/11/2024 along with WP(C) 5483/2024 and the batch of connected writ petitions.

JUDGE

Sukhamay

Comparing Assistant