

GAHC010226552024



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

Case No. : WP(C)/5754/2024

NITU MANI DAS
S/O- SRI RAMANI MOHAN DAS, R/O- FATASHIL AMBARI, A.K. DEV ROAD,
NEAR TULA FACTORY, GUWAHATI- 781025

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

18.11.2024

Heard Mr. J. Patowary, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam appearing for the State.

The issue raised in the writ petition is pertaining to the question as to whether, a departmental proceeding and criminal proceeding can be conducted simultaneously when both the proceedings are grounded on the same set of facts, similar charge and sought to be established by the same set of witnesses. Mr. Patowary submits that similar writ petitions, raising similar question of law are pending before this Court wherein interim orders are operating. Therefore, a similar order be passed in the present case as well.

Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam has submitted that the Government of Assam is also examining the legal issue involved in this proceeding and therefore, has sought three weeks time to file reply.

In view of the above, issue notice of motion returnable in three weeks.

Since Ms. M. Bhattacharjee, learned Addl. Senior Govt. Advocate, Assam has entered appearance and 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 Government Advocate within three days from today so as to enable her to obtain instruction and file affidavit.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case as well as the fact that interim orders are operating in similar writ petitions pending before this

Court, it is hereby provided that the departmental proceeding initiated against the writ petitioner shall remain stayed till the returnable date.

List along with WP(C) No.5384/2024 and the batch of connected writ petitions.

JUDGE

Comparing Assistant