

GAHC010230192024



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

Case No. : WP(C)/5666/2024

NILANJAL GOGOI
S/O- LATE GANGADHAR GOGOI,
FLAT NO-2H, CENTURY APARTMENT, G.S ROAD, DISPUR, GUWAHATI,
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,

DISPUR, GHY-06

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-05

3:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-05

4:THE INSPECTOR GENERAL OF POLICE
(MPC) CUM INQUIRY OFFICER
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI

5:THE ASSISTANT INSPECTOR GENERAL OF POLICE
(WELFARE)

ASSAM
GUWAHAT

Advocate for the Petitioner : MR. A GOYAL, MR. A CHOUDHURY, MR M C KAKOTI

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 06-11-2024

Heard Mr. A. Goyal, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The core question arising in this writ petition is as to whether, a departmental proceeding and a criminal proceeding based on the same set of facts and supported by same set of witnesses can proceed simultaneously.

Mr. Goyal submits that similar writ petitions, raising the same question of law, are pending disposal before this Court. The learned counsel for the petitioner has referred to W.P.(C) No. 5610/2024 wherein an interim order is operating. Therefore, submits Mr. Goyal, similar order be passed in this case as well.

It appears that the other writ petitions are fixed before this Court on 14-11-2024

Mr. A. Chakraborty, learned Govt. Advocate, Assam has prayed for some time to obtain instruction.

Issue notice of motion returnable on 14-11-2024.

Since Mr. A. Chakraborty, learned Govt. Advocate, Assam has accepted notice for all

the respondents, service of notice is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel so as to enable him to obtain instruction.

Heard on the prayer of interim relief.

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

Registry to list this case along with W.P.(C) No. 5610/2024 and the batch of connected writ petitions, again on 14-11-2024.

JUDGE

GS

Comparing Assistant