

GAHC010281292023



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

Case No. : Cont.Cas(C)/762/2023

DALIM DAS
S/O- SURENDRA NATH DAS ,
R/O- NAYANPUR, BYE LANE NO-2, HOUSE NO-16, GANESHGURI,
GUWAHATI, DIST- KAMRUP (M), ASSAM, PIN-781006

VERSUS

RAVI S PRASAD AND ORS
ADDL CHIEF SECRETARY , TO THE GOVT. OF ASSAM, ENVIRONMENT
AND FORESTS DEPARTMENT, DISPUR, GUWAHATI-06

2:TRINAYAN DAS
UNDER SECRETARY
TO THE GOVT. OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT
DISPUR
GUWAHATI-06

3:M.K YADAV IFS
PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST
FORCE
ASSAM
PANJABARI
GUWAHATI-31

4:K.S GOPINATH NARAYAN
THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
GUWAHATI-29

5:SUDESHANA CHAKRABORTY
UNDER SECRETARY
TO THE GOVT. OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT
DISPUR
GUWAHATI-06

6:SHRI RAJPAL SINGH
PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST
FORCE
ASSAM
PANJABARI
GUWAHATI-3

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS. H BAISHYA,MS M
ZOMUANPUII,MS S JAIN,MS V V THANYU,MR P DOLEY,MS P GUPTA,MR J SINGH,MR H
AGARWAL,MR. R KALITA

Advocate for the Respondent : ,

Linked Case : WP(C)/7350/2023

DALIM DAS
S/O LATE SURENDRA NATH DAS
R/O NARAYANPUR
BYE LANE 2
H/NO. 16
GANESHGURI

GUWAHATI-781006
DIST. KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM

ENVIRONMENT AND FORESTS DEPARTMENT
DISPUR
GUWAHATI-781006
DIST. KAMRUP (METRO)

ASSAM

2:THE UNDER SECRETARY TO THE GOVT. OF ASSAM

ENVIRONMENT AND FORESTS DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE

ASSAM
PANJABARI
GUWAHATI-781037

4:THE ADDL. CHIEF CONSERVATOR OF FORESTS (T)

LOWER ASSAM ZONE
BASISTHA
GUWAHATI-781029

5:THE PRINCIPAL ACCOUNTANT GENERAL (A AND E)

ASSAM
GUWAHATI-781029

Advocate for : MR. B D KONWAR SR. ADV.

Advocate for : SC

FOREST appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04/10/2024

Heard Mr. J. Singh, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel appearing for the respondent nos. 1, 2 & 3 and Mr. R.K. Talukdar, learned Counsel appearing for the respondent no. 4.

The order dated 28/07/2023 has not been complied with till today and there is no reasonable explanation from the learned counsel for the respondent nos. 1 to 3 for not doing so.

Mr. R.K. Talumdar, learned counsel for the respondent no. 4 submits that since the office of the Accountant General, Assam has not received any paper from the Department, no further action could be taken in the matter.

After going through the materials available on record and upon hearing the submissions made by the learned counsel for the respondent nos. 1, 2 & 3, this Court is *prima facie* of the opinion that the departmental authorities have acted in utter disregard of the order of this Court and have simply sat over the matter, without any just and reasonable explanation. Therefore, it appears that the respondent nos. 1, 2 & 3 are guilty of committing contempt of this Court. They are, therefore, liable to be proceeded against under the law.

Although, this Court was inclined to issue a direction for personal appearance of respondent nos. 1, 2 & 3 for passing further order in this case, yet, taking note of the request of Mr. Borthakur, learned counsel appearing for the said respondents, this matter is directed to be listed again on 24/10/2024, as a fixed item, for further order.

List accordingly.

JUDGE

sukhamay

Comparing Assistant