



GAHC030004222019



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

Case No. : Cont.Cas(C)/16/2019

S Makhu and 22 Ors.

S/o S.Helei, R/o Zawngling, Saiha District, 2: C Beibiahneisa
Zawngling
Saiha District

3: L C Luabei
Zawngling
Saiha District

4: J Pathaisa
Zawngling
Saiha Distric

VERSUS

Lalnunmawia Chuaungo and 5 Ors.

Chief Secretary to Govt of Mizoram, Aizawl
Chief Secretary to Govt of Mizoram
Aizawl

2:Bhupesh Chaudhury

3:Brig. Birender Singh
Chief Engineer
Project Pushpak
C/o 99 APO

4:MN Ansari
Executive Engineer
Officer Commanding 71 RCC
BRTF
C/o 99 APO

5:P Sama
Executive Engineer
MADC



Slaha

6:N Pachhunga
Senior Revenue Officer
Land Revenue and Settlement Department
MADC
Siaha Distric

Advocate for the Petitioner : MR LALFAKAWMA

Advocate for the Respondent :

Linked Case : I.A.(Civil)/141/2019

Makhu and 22 Ors.
aizawl

VERSUS

Lalnunmawia Chuaungo and 5 Ors.
Aizawl

Advocate for the Petitioner : MR Lalfakawma
Advocate for the Respondent : Mary Lalruatkimi Kiangte

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

O R D E R

Date : 09.04.2021

One Shri Mangala Charan Misra claiming to be the Officer-in-charge Legal Cell HQ 24
BRTF has filed affidavit-in-opposition on behalf of respondent Nos. 3 & 7.

A perusal of the said affidavit filed on 23.03.2021 particularly at paragraph No.3 goes



to show that according to the deponent, he has been arrayed as respondent Nos. 3 & 7 in the Contempt petition and he has been duly entrusted look after the case on behalf of the respondents in his official capacity and that he is familiar with the facts and circumstances thereof.

The above statements is fallacious since Shri Mangala Charan Misra is neither impleaded as respondent No.3 nor as respondent No.7. There is no whisper about him being authorized by respondent Nos. 3 & 7 to file the affidavit.

It may be noticed that this is a contempt petition wherein the respondents have been arrayed in their personal capacity and by name. Therefore, unless there is a written authorization by the arrayed respondents to file such affidavit, this Court is not inclined to accept the affidavit.

As such, the affidavit of respondent Nos. 3 & 7 dated 23.03.2021 is rejected.

The respondent Nos. 3 & 7 shall within 3 (three) weeks from today file their affidavit answering the show cause notice issued to them failing which, they shall have to appear in person.

List the matter again on **04.05.2021**.

JUDGE

Comparing Assistant