

GAHC010008182022



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

Case No. : Cont.Cas(C)/28/2022

MADHAV BORAH AND 4 ORS
S/O LATE RATNESWAR BORAH, RESIDENT OF WARD NO. 2, HOWRAGHAT
TOWN, KARBI ANGLONG, ASSAM, PIN-782481

2: KAMAL CH. SAIKIA
S/O LATE BOLORAM SAIKIA
RESIDENT OF WARD NO. 2
HOWRAGHAT TOWN
KARBI ANGLONG
ASSAM
PIN-782481

3: PINKU BORUAH
S/O LATE SANTA BORUAH
RESIDENT OF WARD NO. 2
HOWRAGHAT TOWN
KARBI ANGLONG
ASSAM
PIN-782481

4: JITU SARMAH
S/O SRI NITANANDA SARMAH
RESIDENT OF WARD NO. 2
HOWRAGHAT TOWN
KARBI ANGLONG
ASSAM
PIN-782481

5: DEEP KALITA
S/O SHRI ARUN KALITA
RESIDENT OF WARD NO. 2
HOWRAGHAT TOWN
KARBI ANGLONG
ASSAM

PIN-78248

VERSUS

DR. M ANGAMUTHU, IAS AND 4 ORS
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
WPT AND BC DEPARTMENT, ASSAM DISPUR, GUWAHATI-781006

2:MUKUL SAIKIA
PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

3:PRATAP TERANG
EXECUTIVE ENGINEER
PWD (BUILDING) DIVISION
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

4:BHABESH RAJBONGSHI
S/O LATE THANURAM RAJBONGSHI
R/O WARD NO. 2
HOWRAGHAT TOWN
PRESIDENT OF MANAGING COMMITTEE OF THE SANKARDEV VIDYA
NIKETAN
HOWRAGHAT
KARBI ANGLONG
ASSAM
PIN-782481

5:KAMAL SAIKIA
S/O SHRI LAKHIRAM SAIKIA
RESIDENT OF WARD NO. 2
HOWRAGHAT TOWN
KARBI ANGLONG
ASSAM
PIN-782481
SECRETARY
MANAGING COMMITTEE OF THE SANKARDEV VIDYA NIKETAN
HOWRAGHAT
KARBI ANGLONG
ASSAM
PIN-78248

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent :

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

31.01.2022

The matter is taken up through video conferencing.

Heard Mr. B.K. Das, learned counsel for the petitioners.

A Public Interest Litigation being PIL No.61/2021 was filed before this Court with the prayer that Sankardev Vidya Niketan, Howraghat be shifted elsewhere. This Court on 17.11.2021 had passed the following order in the PIL:-

“Heard Mr. B.K. Das, learned counsel for the petitioners. Also heard Mr. J. Chutia, learned standing counsel, Karbi Anglong Autonomous Council (KAAC), who submits that the Principal Secretary of the KAAC has already initiated the process for making an enquiry as to the issues in this PIL and accordingly, would like to file a proper response after the aforesaid enquiry is over, for which Mr. Chutia, prays for 3(three) weeks' time for the same.

List the matter after 3(three) weeks to enable the respondent KAAC to file necessary affidavit.

Heard also Mr. R. Dhar, learned standing counsel, WPT&BC as well as PWD, appearing for respondent Nos.2 - 4 and Ms. S. Konwar, learned counsel appearing for respondent Nos. 1 and 5.

We also hope and trust that the KAAC authorities will ensure that the fund released for the development of the school is not wasted by improper use of the same while the matter is pending before the Court.”

The petitioners have now filed this contempt petition alleging that inspite of the order dated 17.11.2021, the Management of the School is making

construction in the school resulting into wastage of Government fund.

We fail to understand as to how this itself amounts to willful and deliberate disobedience of the order of this Court or contempt of this Court.

While the petitioners would be at liberty to apprise the Court of this development, as far as the contempt petition is concerned, we are of the view that no willful or deliberate violation of the order dated 17.11.2021 has been committed.

In view of the above, the contempt petition is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant