

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**