

GAHC040001112024



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

Case No. : Cont.Cas(C)/3/2024

Mapikam Tega
S/o Jingling Tega, Tegamma village, Chaglogam, PO Hayuliang, PS Khupa, Anjaw
District, AP

VERSUS

Talo Jerang
Deputy Commissioner, Hawai, Anjaw District, AP

Advocate for the Petitioner : Tony Pertin

Advocate for the Respondent :

BEFORE
HONBLE MR. JUSTICE S.K.MEDHI

ORDER

Date : 31.01.2024

Shri T. Pertin, the learned counsel for the petitioner, who by means of this petition has alleged wilful disobedience and non-compliance of the Order dated 03.06.2021, passed in the original writ petition, WP(C) 161 (AP)/2021.

2. It is submitted that the said writ petition was closed vide the aforesaid order by directing the petitioner to submit fresh representation which was required to be disposed of by the Deputy Commissioner, Anjaw District.

3. As the said direction was not complied with, the petitioner had earlier filed a contempt case No. 09 (AP)/2022 in which the respondent have filed an additional affidavit, wherein the following statements were given;

“2. That in compliance of the Judgment and Order dated 03.06.2021 passed in WP(C) No.161(A)/2021. The area was verified by the Additional Deputy Commissioner and accordingly the report was submitted on 18.04.2022. The verification was made in presence of Shri Mapikam Tega and Anul Tega. As per the verification conducted on 12th and 13th April’2022 the properties are found to be belong to 13 persons. Accordingly, vide order dated 20.04.2022 it has been decided that the petitioner would be entitled for the compensation as per the verification dated 18.04.2022. However, since the compensation and connected issue for the entire stretch area need to be collectively disposed off. Therefore, the compensation shall be released along with the others after all the necessary formalities including the government approval have been taken.”

4. Consequently, an order has been passed on 22.12.2023, which has been annexed as an Annexure-3. It is the contention of

the learned counsel for the petitioner that the order passed on 22.12.2023, was not taken into consideration fresh survey report, and therefore, the order is not in sync with the undertaken given on affidavit.

5. This Court has perused the communication dated 22.12.2023. In the opinion of this Court, the communication has taken into account the earlier litigation and the order passed by this Court giving a direction for deposit of certain amount in the account of the beneficiaries. Though the correctness and validity of the order can be questioned which has to be done in an appropriate proceeding, *prima facie*, the ingredients to constitute contempt do not appear to be present.

6. In view of the above, the instant petition with allegation of contempt is closed. At this stage, this Court has been informed that a separate writ petition has already been filed challenging the validity of the said communication. The said writ petition may be decided on its own merit.

JUDGE