

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. S. Borthakur, learned counsel appearing for the petitioner/accused.

Seen also the Bail Application No. 38 of 2014.

Bail application will be considered only after perusal of the C.D. Call for the C.D.

Since Mr. K.P. Bhattacharjee, learned counsel appearing for the State is present and accepted the notice, no formal notice is called for.

In the meantime, in the event of arrest of the petitioner/accused, he to be released on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount.

As suggested by Mr. K.P. Bhattacharjee, learned counsel appearing for the State, list this matter after 2(two) weeks for C.D, I.O. and hearing.

JUDGE

D. Nary

CONT.CAS(C) No. 10 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

List this matter before any other Bench without me (i.e. Hon'ble
Mr. Justice, S.R. Sen, J)

JUDGE

D. Nary

CONT.CAS(C) No. 15 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

List this matter before any other Bench without me (i.e. Hon'ble Mr. Justice S.R. Sen, J).

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. I.H. Saikia, learned counsel appearing for the petitioner as well as learned counsel appearing for the respondent contemnors who submits that he may be allowed 10(ten) days' time to get further instruction.

Mr. I.H. Saikia, learned counsel appearing for the petitioner also informed verbally to this court a proposal sent for promotion of the petitioner to UPSC which has returned with a note to place a fresh proposal, but the same has not been placed till date. If it is so, the respondent contemnors are directed to send a fresh proposal on prior basis by day after tomorrow.

Registry is directed to furnish a copy of the order to the learned counsel for the parties

List this matter after 10(ten) days.

JUDGE

D. Nary

CONT.CAS(C) No. 18 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

List this matter before any other Bench without me as Mr. S. Sen is one of the counsels as informed by Mr. S. Sen Gupta, learned counsel for the State.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. K. Paul, learned counsel appearing for the petitioner.

Also heard Mr. N.D. Chullai, learned Sr. GA appearing for and on behalf of the State.

It is an admitted fact by both the learned counsel for the parties that the court's order has been complied with, but for fully compliance within a month.

Mr. N.D. Chullai, learned Sr. GA appearing for and on behalf of the State also informed the court that enquiry could not proceed due to non cooperation of the Branch Manager of the State Bank of India, Bhaitbari Branch. The Branch Manager of the State Bank of India, Bhaitbari Branch is directed to give full cooperation with the I/O/Enquiry Officer failing which, necessary action shall follow.

The I/O concerned Mr. R. Kurkalang is present and he has been directed further to appear on the next date fixed.

The Registry is directed to furnish a copy of this order to the learned counsel for the parties.

List this matter after 1(one) month.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. M.F. Qureshi, learned counsel appearing for the petitioner.

Also heard Mr. A.S. Siddiqui, learned counsel appearing for the respondent contemnor No. 2.

Mr. R. Gurung, learned GA appearing for the respondent No. 1 submits that they have already released the amount of Rs. 3, 52, 000/- as arrear to the account of the respondent contemnor No. 2.

Mr. M.F. Qureshi, learned counsel appearing for the petitioner informed the court that the respondent contemnor No. 2 is not allowing the petitioner to join the service nor releasing his arrear. Hence, this instant contempt case.

From record it appears that the order has been passed by this court on 20.02.2013 in WP(C) No. (SH) 84 of 2012 wherein, it was directed to comply the order such as to reinstate the petitioner to his post in the terms of the letter dated 13.02.2012 and also to clear all his arrears admissible under the law within 45 days. To my utter surprise, inspite of the order passed to comply the order within 45 days, the respondent contemnor No. 2 did not comply the order till date which is highly illegal.

Mr. A.S. Siddiqui, learned counsel appearing for the respondent contemnor No. 2 submits that he could not pay the arrear because the petitioner does not want to join the service.

Both the parties are directed to appear in person and to explain their situation.

List this matter on 14.11.2014.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. H.R. Nath, learned counsel appearing for the appellant.

From record it appears that service report is awaited.

Mr. H.R. Nath, learned counsel appearing for the appellant submits that, he has taken steps to serve the notice on 19.09.2014. He is directed to contact the GPO, Shillong and to ascertain whether the notice has been served upon the respondent or not and then to file necessary affidavit on the service report.

List this matter after 2(two) weeks.

JUDGE

D. Nary

MC[WP(C)] No. 293 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

In the light of the order passed in WP(C) No. 353 of 2014 this
Misc. Case also stands disposed of.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

In the light of the order passed in WP(C) No. 354 of 2014 this Misc. Case also stands disposed of.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. N.I. Choudhury, learned counsel who submits that the counsel holding the brief of the case, Mr. P.P. Baruah could not come to Shillong from Guwahati due to some personal difficulty and prayed that the matter may be fixed on 27.11.2014 to which, Mr. S.C. Shyam, learned Sr. counsel appearing for the respondents has no objection.

As suggested by the learned counsel for the petitioner, list this matter on 27.11.2014.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

List this matter after 2(two) weeks as it is already going to be 4:15 P.M.

Mr. H.S. Thangkhiew, learned Sr. counsel submits that it will take sometime to which Mr. S. Sen Gupta, learned GA and Mr. B. Bhattacharjee, learned counsel for the respondents has no objection.

Accordingly, list this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Ms. Q.B. Lamare, learned counsel for the petitioner, who submits that she is not ready to argue the matter and prays for 2(two) weeks' time. Similarly, Mr. H. Kharmih, learned counsel for the State also sought time.

List this matter after 2(two) weeks.

JUDGE

D. Nary

WP(C) No. 176 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

The learned counsel for the petitioner is not present.

Mr. K.P. Bhattacharjee, learned State counsel is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. N.D. Chullai, learned Sr. counsel appearing for the petitioners.

Also heard Mr. J.M. Thangkhiew, learned counsel appearing for the respondents No. 5 to 21, 23 to 46, 48 to 64 who prays that he may be allowed to file the affidavit.

On perusal of the order dated 20.10.2014 it appears that filing of the affidavit has been waived and the matter was posted for hearing. However, considering the submission advanced by the learned counsel appearing for the respondents mentioned above and for the ends of justice, the respondents are allowed to file their affidavits-in-opposition within a week subject to the payment of Rs. 1000/- (Rupees one thousand) only and the same to be deposited with the Registry and in its turn will deposit the said amount to the Director of Social Welfare, who shall use the fund for the welfare of the Juvenile Home.

Ms. P.S. Nongbri, learned counsel appearing for the respondents No. 1 to 3 and Mr. L. Khyriem, learned counsel appearing for the respondent No. 4 are present.

List this matter after 1(one) week.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Ms. D. Mawthoh, learned counsel, who submits that the counsel holding the brief of the case, Mr. A.H. Hazarika has applied leave. The matter may be adjourned.

Mr. K.P. Bhattacharjee, learned State counsel is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. R. Jha, learned counsel appearing for the petitioner.

Also heard Mr. S.C. Shyam, learned Sr. counsel appearing for the respondents No. 1 to 3.

From record it appears that service report against the respondents No. 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 20 are awaited.

Mr. R. Jha, learned counsel appearing for the petitioner is directed to confirm from the GPO, Shillong whether the notice has been served upon the said respondents or not and then to file the affidavit on the service report.

Mr. S.C. Shyam, learned Sr. counsel sought 3(three) weeks' time to file the affidavit on behalf of the respondents No. 1 to 3.

List this matter after 3(three) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. P.T. Sangma, learned counsel appearing for the petitioner.

Also heard Mr. K.P. Bhattacharjee, learned counsel appearing for and on behalf of the State and Mr. R. Debnath, learned counsel appearing for the Union of India.

Both the learned counsels appearing for the respondents sought 2(two) weeks' time to file the affidavit-in-opposition.

Prayer is allowed.

List this matter after 2(two) weeks.

JUDGE

D. Nary

WP(C) No. 289 of 2013

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Exchange of pleadings is complete.

Issue rule.

List this matter after 2(two) weeks for hearing.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. I.H. Saikia, learned counsel appearing for and on behalf of the petitioner who prays that the matter may be placed before the Division Bench as he has challenged the BRES Group 'A' (amendment) Rule 1988.

Mr. S.C. Shyam, learned Sr. counsel for the respondents has no objection.

The Registry is directed to place the matter before the Division Bench after 10(ten) days as prayed for by the learned counsel appearing for the petitioner.

List this matter after 10(ten) days.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. R.R. Raj, learned counsel appearing for the petitioner.

Also heard Mr. R. Gurung, learned State counsel appearing for the respondents No. 1, 2 and 3 who submits that he is yet to file the affidavit-in-opposition and prays for 2(two) weeks' time.

Prayer is allowed as a last chance.

List this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Ms. S.G. Momin, learned counsel appearing for the petitioner.

Also heard Mr. S. Sen Gupta, learned State counsel.

Both the learned counsel for the parties suggested that the matter may be fixed after 2(two) weeks as the matter is under re-consideration by the committee.

JUDGE

D. Nary

WP(C) No. 326 of 2013

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

As suggested by the learned counsel for the parties, list this matter tomorrow i.e. 11.11.2014.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. S. Deka, learned counsel appearing for and on behalf of the petitioner.

From record it appears that the service report against the respondents No. 8, 9 and 10 is awaited.

Petitioner's counsel is directed to contact the GPO, Shillong and to confirm whether the notice has been served upon the respondents No. 8, 9 and 10 and then to file the affidavit on the service report.

Mr. K.P. Bhattacharjee, learned counsel appearing for the respondents is present, who submits that he is waiting for the affidavit of the respondent No. 12 and sought for 2(two) weeks' time.

List this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. S. Dey, learned counsel appearing for the petitioner.

Also heard Mr. K.P. Bhattacharjee, learned GA appearing for the respondents No. 3 and 4 who submits that, vide order dated 24.10.2014 passed in MC(WP(C) No. 284 of 2014 the cost imposed has already been paid and the affidavits has been filed by the respondents No. 3 and 4.

Mr. S. Dey, learned counsel appearing for the petitioner also submits that he intends to file the rejoinder affidavit.

Prayer is allowed.

List this matter after 2(two) weeks.

JUDGE

D. Nary

WP(C) No. 345 of 2014

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

None of the parties are present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. A.S. Siddiqui, learned counsel appearing for the petitioner.

Also heard Mr. N.D. Chullai, learned Sr. GA.

Mr. A.S. Siddiqui, learned counsel appearing for the petitioner submits that the land of the petitioner does not fall within the premises of the land acquired by the Government. Hence, he could not be evicted from the said land, but the learned Deputy Commissioner (Revenue), West Garo Hills, Tura did not allow him to produce the evidence to establish his right. So, necessary direction may be issued.

Mr. N.D. Chullai, learned Sr. GA drawn my attention to the order dated 30.10.2014 and on perusal of the said order, it appears that there was a series of litigations of the said land and it has reached to the erstwhile Hon'ble Gauhati High Court both Single Bench as well as Division Bench where the erstwhile Hon'ble Gauhati High Court decline to interfere with the order passed by the learned Deputy Commissioner (Revenue), West Garo Hills, Tura.

Now, the question remains whether this court can decide whether the land claim by the petitioner falls within the premises of the land acquired or outside the boundary of the land acquired. The answer is definitely not, as it is a matter of fact and evidence. Hence, I am unable to entertain this instant writ petition. The parties are at liberty to approach the appropriate forum for their redressal.

With this observation and direction, this instant writ petition is rejected and stands disposed of.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. A.S. Siddiqui, learned counsel appearing for the petitioner.

Also heard Mr. N.D. Chullai, learned Sr. GA.

Mr. A.S. Siddiqui, learned counsel appearing for the petitioner submits that the land of the petitioner does not fall within the premises of the land acquired by the Government. Hence, he could not be evicted from the said land, but the learned Deputy Commissioner (Revenue), West Garo Hills, Tura did not allow him to produce the evidence to establish his right. So, necessary direction may be issued.

Mr. N.D. Chullai, learned Sr. GA drawn my attention to the order dated 30.10.2014 and on perusal of the said order, it appears that there was a series of litigations of the said land and it has reached to the erstwhile Hon'ble Gauhati High Court both Single Bench as well as Division Bench where the erstwhile Hon'ble Gauhati High Court decline to interfere with the order passed by the learned Deputy Commissioner (Revenue), West Garo Hills, Tura.

Now, the question remains whether this court can decide whether the land claim by the petitioner falls within the premises of the land acquired or outside the boundary of the land acquired. The answer is definitely not as it is a matter of fact and evidence. Hence, I am unable to entertain this instant writ petition. The parties are at liberty to approach the appropriate forum for their redressal.

With this observation and direction, this instant writ petition is rejected and stands disposed of.

JUDGE

D. Nary

**BEFORE
HON'BLE MR. JUSTICE, S.R. SEN**

10.11.2014

Heard Mr. J.M. Thangkhiew, learned counsel appearing for the petitioner who sought 1(one) weeks' time to file the rejoinder affidavit.

Mr. S. Dey, learned counsel appearing for the respondents No. 1 to 3 submits that he has already filed the affidavit-in-opposition and has also paid the cost as ordered by this court.

Mr. R.B. Momin, learned counsel appearing for the respondent No. 4 submits that he has already filed the affidavit-in-opposition.

As prayed for by the learned counsel appearing for the petitioner, list this matter after 1(one) week.

JUDGE

D. Nary