

WP(C) No. 183 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri S.Wahlang, Advocate present for the petitioner.

Shri V.G.K.Kynta, Sr. Advocate present for the respondents No. 1 and 4.

Shri P.Nongbri, Advocate present for the respondent No. 2.

Shri R.Pyngrope, Advocate present for the respondent No.3.

Learned counsel for the respondents pray for and are allowed further 2(two) weeks' time to file counter affidavits.

List this case after 2(two) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 199 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri A.H.Hazarika, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents.

Learned counsel for the petitioner prays for and is allowed further one week' to file rejoinder affidavit.

List this case on 25-11-2013.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 185 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri B.K.Deb Roy, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondent No. 1.

Shri V.G.K.Kynta, Sr. Advocate present for respondent No.2.

Shri R.Jha, Advocate present for respondent No. 5.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file rejoinder affidavit.

List this case after 2(two) weeks.

Meanwhile, respondent No. 4 and 5 may also file their counter affidavits.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 238 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri P.Nongbri, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents No. 2 and 3.

Ms. R.Paul, Advocate present for the private respondent No.4.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file rejoinder affidavit.

List this case after 2(two) weeks.

Meanwhile, respondent No. 4 may also file her counter affidavit.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 319 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Jha, Advocate present for the petitioner.

Shri R.Deb Nath, CGC present for the respondent No. 1.

Shri V.G.K.Kynta, Sr. Advocate present for the respondents No. 2, 3 and 4.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents No. 5 and 6.

Issue notice to respondent No. 7 who may also file counter affidavit within a period of 4(four) weeks.

Learned counsel for the respondents No. 1 to 6 prays for and are allowed 4(four) weeks' time to file counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(CRL) No. 11 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri S.P.Mahanta, Advocate present for the petitioner.

SHri K.Khan, Sr. Addl. Govt. Advocate present for the respondents No. 1 to 3.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of Habeas Corpus of her 5(five) year old grand-daughter who is allegedly taken away by respondents No. 4, 5 and 7.

However, respondent No. 4 admittedly appears to be the father of the girl.

In the above circumstances, it is directed that notices be issued to respondents No. 4 to 7 who may file their counter affidavits within a period of 3(three) weeks.

List this case on 16-12-2013.

Meanwhile, respondents No. 1 to 3 may also file their counter affidavits.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 326 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Jha, Advocate present for the petitioner.

Shri R.Deb Nath, CGC present for the respondents.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 327 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Kar, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 11-11-2013 passed by Deputy Commissioner cum Chairman DWSC, East Garo Hills District, Williamnagar whereby it has been directed that recovery of entire sanctioned amount of Rs. 27,43,800/- (Rupees twenty seven lakhs, forty three thousand, eight hundred) is directed to be made and if the recovery is not made before 18-11-2013, a First Information Report be lodged.

Learned counsel for the petitioner submitted that from the impugned order itself, it appears that the complaint was that purchases of materials were made for construction of toilets under Nirmal Bharat Abhiyan in connection with Indira Awas Yojna, without following rules, and without inviting tenders.

Learned counsel for the petitioner further submitted that it is not a case where the amount was not spent in the work or the work was not done. In the circumstances, it is contended that recovery of full amount without getting the work audited or inquiry done cannot be said to be lawful.

Admit the petition.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file counter affidavit.

Having heard learned counsel for the parties, as an interim measure, it is directed that the operation of the impugned order dated 11-11-2013 shall be stayed till the next date of listing. It is clarified that the authorities are not restrained from auditing done and to initiate the departmental inquiry against the petitioner.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 328 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Kar, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents.

Heard.

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Admit the petition.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file counter affidavit.

Having heard learned counsel for the parties, as an interim measure, it is directed that the operation of the impugned order dated 11-11-2013 shall be stayed till the next date of listing. It is clarified that the authorities concerned are not restrained from auditing done and initiate the departmental inquiry against the petitioner.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)] No. 361 of 2013

In WP(C) No. 76 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri M.F.Qureshi, Advocate present for the petitioner.

Shri S.C.Shyam, Sr. Advocate present for the respondents.

Heard.

By means of this application (Misc.Case No. 361 of 2013), the petitioner has sought restoration of WP(C) No. 76 of 2013 which was dismissed for non-prosecution on 6-11-2013.

The application is supported by an affidavit in which the absence has been sufficiently explained. Application is within time.

Therefore, the application (Misc.Case No. 361 of 2013) is allowed. The WP(C) No. 76 of 2013 is restored to its original number.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)] No. 362 of 2013

In WP(C) No. 77 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri M.F.Qureshi, Advocate present for the petitioner.

Shri S.C.Shyam, Sr. Advocate present for the respondents.

Heard.

By means of this application (Misc.Case No. 362 of 2013), the petitioner has sought restoration of WP(C) No. 77 of 2013 which was dismissed for non-prosecution on 6-11-2013.

The application is supported by an affidavit in which the absence has been sufficiently explained. Application is within time.

Therefore, the application (Misc.Case No. 362 of 2013) is allowed. The WP(C) No. 77 of 2013 is restored to its original number.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 76 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in Misc.Case No. 361 of 2013,
this Writ Petition is restored to file.

List it in due course.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 77 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

In view of the order passed today in Misc.Case No. 362 of 2013,
this Writ Petition is restored to file.

List it in due course.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 328 of 2013

18.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R.Kar, Advocate present for the petitioner.

Shri N.D.Chullai, Sr. Govt. Advocate present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the order dated 11-11-2013 passed by Deputy Commissioner cum Chairman DWSC, East Garo Hills District, Williamnagar whereby it has been directed that recovery of entire sanctioned amount of Rs. 27,43,800/- (Rupees twenty seven lakhs, forty three thousand, eight hundred) is directed to be made and if the recovery is not made before 18-11-2013, a First Information Report be lodged.

Learned counsel for the petitioner submitted that from the impugned order itself, it appears that the complaint was that purchases of materials were made for construction of toilets under Nirmal Bharat Abhiyan in connection with Indira Awas Yojna, without following rules and without inviting tenders.

Learned counsel for the petitioner further submitted that it is not a case where the amount was not spent in the work or the work was not done. In the circumstances, it is contended that recovery of full amount without getting the work audited or inquiry done cannot be said to be lawful.

Admit the petition.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file counter affidavit.

Having heard learned counsel for the parties, as an interim measure, it is directed that the operation of the impugned order dated 11-11-2013 shall be stayed till the next date of listing. It is clarified that the authorities concerned are not restrained from auditing done and initiate the departmental inquiry against the petitioner.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah