CONT.CAS(C) No. 21 of 2013
WITH MC(CRP) No. 90 of 2013

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

19.03.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner, who submits that, inspite of the order passed by this court in ***MC(CRP) No. 90 of 2013*** vide order dated 08.04.2013 the respondent ignored the order and keep on constructing houses on the suit premises. Therefore, it is a clear violation of the order of the court.

Also heard Mr. R. Debnath, learned counsel for contemnor respondent who submits that, there was no new construction, but only renovation.

I have perused the report dated 17.02.2014 placed by the Superintendent of Police, West Garo Hills, Tura. On perusal of the report, it clearly indicates that there was new Kaccha houses constructed on the land about 9(nine) in numbers.

I have also perused the order dated 04.04.2012 passed in Title Suit No. 14 of 2011 as well as the order dated 18.10.2012 passed by the learned ADM, West Garo Hills, Tura. On perusal of the order dated 18.10.2012 it appears that an injunction order dated 04.04.2012 was vacated.

Against the said impugned order, the petitioner approached this court, and this court after considering the facts and circumstances of the case was pleased to pass the order in ***MC(CRP) No. 90 of 2013*** arising out of ***CRP. No. 12 of 2013***, wherein this court suspended the impugned order dated 18.10.2012 and from the record it appears that this suspension order dated 08.04.2013 is continuing till date which is undisputed.

Therefore, in my considered view no party has any right to construct or encroach in the said premises. However, the respondent has clearly violated the order of this court dated

08.04.2013 as reflected and appeared from the report of the Superintendent of Police, West Garo Hills, Tura. Hence, it is ordered to demolish all those new constructions made thereon within 15(fifteen) days from the date of this order and also Rs. 20, 000/- (Rupees twenty thousand) only cost is imposed for violation of this courts' order.

Let the respondent deposit the cost of Rs. 20, 000/- within 15(fifteen) days with the Registry in the name of Legal Aid Services and the Registry in its turn to deposit the said amount in the account of the Directorate of Social Welfare for the development of Juvenile Homes. The Principal Magistrate, Juvenile Justice Board and the Directorate of Social Welfare to monitor and to utilize the fund for the benefit of Juvenile in conflict with laws strictly.

Respondent is further directed to strictly adhere with the courts' order failing which, further necessary action will follow.

Registry is directed to furnish a copy of this order to the learned counsel for the petitioner, the respondent as well as to the Superintendent of Police, West Garo Hills, Tura, the Principal Magistrate, Juvenile Justice Board and the Directorate of Social Welfare.

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

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 4 of 2014

19.03.2014

Heard Dr. A. Saraf, learned Sr. counsel appearing for and on behalf of the petitioner.

Issue notice made returnable within 3(three) weeks.

However, learned counsel, Mr. M.F. Qureshi, appeared for respondents' No. 1, 2 and 3, hence no formal notice is called for.

Petitioners' counsel to take necessary steps to serve the notice upon other respondents.

List this matter on 17.04.2014 as suggested by the petitioners' counsel, Dr. A. Saraf.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 5 of 2014

19.03.2014

Heard Dr. A. Saraf, learned Sr. counsel appearing for and on behalf of the petitioner.

Issue notice made returnable within 3(three) weeks.

However, learned counsel, Mr. M.F. Qureshi, appeared for respondents' No. 1, 2 and 3, hence no formal notice is called for.

Petitioners' counsel to take necessary steps to serve the notice upon other respondents.

List this matter on **17.04.2014** as suggested by the petitioners' counsel, Dr. A. Saraf.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 12 of 2013

19.03.2014

As prayed for by the learned counsels, list this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 19 of 2013

19.03.2014

Heard Mr. D. Thaimei, learned counsel for the petitioner, who prays for 1(one) weeks' time to which the respondents' counsel Mr. J.M. Thangkhiew has no objection on the ground that his Sr. counsel, Mr. G.S. Massar is out of station in connection with his treatment.

As prayed for, list this matter after a week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 58 of 2013

19.03.2014

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

Also heard Mrs. Y. Shylla, learned counsel for respondent No. 2 and Mrs. T. Yangi, learned counsel for respondent No. 1.

The learned counsels for the petitioner and respondent No. 2 submits that the matter is under process of settlement, so the matter may be fixed after 2(two) weeks.

None has appeared for and on behalf of the State.

Advocate General is directed to look into the matter as to why the Government counsels are not appearing for each and every case. Earlier also, I have communicated such order, but if no action is taken, this court will be compelled to take a stringent and strong decision.

Registry to forward a copy of this order to the Advocate General.

List this matter after 2(two) weeks' as prayed for by the learned counsels.

JUDGE

D. Nary