

GAHC010133182020



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

Case No. : WP(C)(Suo Moto)/3/2020

DESIGNATED COURTS FOR MPs/ MLAs
GUWAHATI, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR,
GUWAHATI - 781006

2:STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
NAGALAND CIVIL SECRETARY
KOHIMA - 797004

3:STATE OF MIZORAM
REPRESENTED BY THE CHIEF SECRETARY
MIZORAM SECRETARY
AIZAWL - 796001

4:STATE OF ARUNACHAL PRADESH
REPRESENTED BY THE CHIEF SECRETARY
CIVIL SECRETARIAT
ITANAGAR - 791111

5:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI - 781006

6:THE SPECIAL SECRETARY TO THE GOVT. OF NAGALAND

HOME DEPARTMENT
NAGALAND CIVIL SECRETARIAT
KOHIMA - 797004

7:THE CHIEF SECRETARY TO THE GOVT. OF MIZORAM
HOME DEPARTMENT
MIZORAM SECRETARIAT
NEW CAPITAL COMPLEX
AIZAWL - 796001

8:THE COMMISSIONER TO THE GOVT. OF ARUNACHAL PRADESH
HOME DEPARTMENT
CIVIL SECRETARIAT
ITANAGR - 791111

9:THE DIRECTOR GENERAL OF POLICE
ASSAM
POLICE HEADQUARTERS
ULUBARI
GUWAHATI - 781001

10:THE DIRECTOR GENERAL OF POLICE
NAGALAND
POLICE HEADQUARTERS
P. R. HILL
KOHIMA - 797001

11:THE DIRECTOR GENERAL OF POLICE
MIZORAM
POLICE HEADQUARTERS
KHATLA
AIZAWL - 796001

12:THE DIRECTOR GENERAL OF POLICE
ARUNACHAL PRADESH
POLICE HEADQUARTERS
CHANDRANAGAR
ITANAGR

13:THE ADDL. DGP (PROSECUTION)
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI - 78100

Advocate for the Petitioner : MR. T J MAHANTA(SC, GHC),

Advocate for the Respondent : SC, AG, MS. M KECHII, LEARNED SR. GA ADV.,

NAGALAND,MR. D. MAZUMDAR, ADDITIONAL ADVOCATE GENERAL, ASSAM (Resp. Nos. 1, 5, 9 & 13), ADDITIONAL ADVOCATE GENERAL,MIZORAM. (Resp. Nos. 3, 7 & 10),MR. A. CHANDRAN, ADDITIONAL SENIOR GOVERNMENT ADVOCATE, ARUNACHAL PRADESH. (Resp. Nos. 4, 8 & 12),MS. T. KHRO, GA,NAGALAND(Resp.Nos. 2, 6 & 10)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 28-01-2025
Suman Shyam, J

Heard Mr. T.J. Mahanta, learned Sr. counsel assisted by Mr. T. Gogoi, learned counsel for the writ petitioner. Mr. D. Mazumder, learned Addl. AG, Assam, Ms. P. Bhattacharyya, learned Addl. A.G. Mizoram, Ms. M. Kechi, learned Addl. A.G. Nagaland and Mr. A. Chandran, learned Sr. Govt. Advocate, Arunachal Pradesh are present on behalf of the respective States.

In terms of our order dated 09-12-2024, the Registry of this Court has prepared a report dated 24-01-2025 and placed the same on record through the Registrar (Judicial). A perusal of the report goes to show that out of the 20 criminal cases of the subject category i.e. cases against MPs/ MLAs pending before the Principal Seat, as many as 05 cases have already been disposed of. Insofar as the remaining 15 cases are concerned, those are fixed in the month of February, 2025 for final hearing and disposal. If that be so, it is apparent that some progress has been made in ensuring expeditious disposal of the cases involving MLAs/ MPs. Insofar as the district judiciary of Assam is concerned, the report indicates that 73 proceedings are pending before the various courts which are in different stages of their proceedings. Since this is a monitoring Bench, we refrain from passing any order in this regard, save and except, observing that the concerned courts may take all reasonable steps so as to expedite the hearing and disposal of those cases, if necessary, by fixing short dates and by avoiding adjournments wherever possible.

Registry to submit an updated status report as regards the cases pending against

MPs/ MLAs before the district courts in Assam, before the next date fixed in this proceeding.

Insofar as the State of Nagaland is concerned, the report of the Registry indicates that there is no case pending against any MLAs/ MPs. The same is the position in the State of Mizoram. However, the learned counsel for those States have submitted that no copy of the report dated 24-01-2025 has been furnished to them.

Insofar as the State of Arunachal Pradesh is concerned, Mr. Chandran also submits that since no copy of the report dated 24-01-2025 has been served upon him, he is unable to respond to the query of this Court.

In view of the above, Registry to furnish a copy of the report dated 24-01-2025 to the respective counsel representing the State of Assam, Nagaland, Mizoram and Arunachal Pradesh.

Insofar as the cases pending in the Principal Seat of the Gauhati High Court is concerned, Registry to also furnish an updated status report on or before the next date fixed.

Let this matter be listed again on 11-03-2025, subject to availability of the Bench.

JUDGE

JUDGE

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Comparing Assistant