

GAHC010013532023



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

Case No. : I.A.(Civil)/215/2023

MONSING RONGPI
S/O- LATE MOKSU RONGPI, R/O- VILL.- TAMLIKUCHI, P.O. TAMLIKUCHI,
P.S. SONAPUR, DIST. KAMRUP(M), ASSAM, PIN- 793101.

VERSUS

PURBANCHAL CEMENTS LTD AND ANR
HAVING ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS AT MEGHA
PLAZA, 2ND FLOOR, BASISTHA CHARIALI, GUWAHATI-781029,
REPRESENTED BY ITS DIRECTOR SHRI DHAN BEY, WHO IS ALSO THE
AUTHORIZED SIGNATORY OF THE PETITIONER NO. 1.

2:BADAL RABHA
S/O- SHRI CHANDRA DHAR RABHA
R/O- VILL.- CHHAYGAON
KAMRUP(R)
ASSAM-781124 AND THE DIRECTOR OF THE PETITIONER NO. 1

Advocate for the Petitioner : MR. N N B CHOUDHURY

Advocate for the Respondent : MR. S P ROY

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
ORDER

22.02.2023

Heard Mr. N.N.B. Choudhury, learned counsel for the applicant and Mr. S.P. Roy, learned counsel for the opposite party nos. 1 & 2-writ petitioners.

2. The opposite party nos. 1 & 2 as the writ petitioners have preferred the connected writ petition, W.P.[C] no. 8462/2022 *inter alia* with a prayer for a direction to the respondent authorities, more particularly, the Circle Officer, Sonapur Circle Revenue Circle, Sonapur, Kamrup [M], to supply a copy of the cadastral map of Village – Sarutari, Mouza – Sonapur, District – Kamrup [M] to the petitioners and to measure the disputed plots of land through the Assam Land Survey Department.
3. The petitioners i.e. the opposite party nos. 1 & 2 have filed the connected writ petition on the premise that in the enquiry undertaken pursuant to the directions made in the writ petition, W.P.[C] no. 4761/2021 preferred earlier by them, the respondent authorities have not provided the cadastral map to the petitioners.
4. The writ petition, W.P.[C] no. 4761/2021 was disposed of by a judgment and order dated 06.09.2022 which reads as under :-

“11. Accordingly, the petitioner or its authorized representation to appear before the Circle Officer, Sonapur Revenue Circle on 19.09.2022 at 10.30 am. On his appearance, the Circle Officer shall provide the petitioner or its authorized representative the required documents that they may desire to form their objection and on the said date, the Circle Officer shall also inform the petitioner or its representative about the documents in their possession which the Circle Officer may require. Accordingly, the petitioner to file their objection, if any and thereafter, appear again on 10.10.2022, from which date, the actual proceeding before the Circle Officer shall be started and the same be brought to its logical end within a period of two months thereafter. In the hearing, the Circle Officer shall also enquire into the complaint of Mansing Rongpee that his land which was purchased vide registered Deed No. 9447, Sl No. 14337 dated 30.12.2000 is presently being owned by the petitioner Purbanachal Cement Private Limited. The Circle Officer upon perusal of the records shall form an opinion as to whether the land purchased by Mansing Rongpee vide registered Deed No. 9447, Sl No. 14337 dated 30.12.2000 had been illegitimately owned and possessed by the petitioner and if yes, to take appropriate action under the law. The conclusion that the Circle Officer may arrive be informed to the Deputy Commissioner, Kamrup(M) and

the Deputy Commissioner shall necessary steps for initiating any civil or criminal proceeding, as the case may be or both, if the enquiry reveals the complicity of any illegal or criminal act being done by any of the parties.”

5. The instant interlocutory application has been filed by the applicant seeking his impleadment as a party respondent in the connected writ petition, W.P.[C] no. 8462/2022 on the premise that he is a necessary party for proper adjudication of the issues raised by the opposite party nos. 1 & 2 as the petitioner in connection with the enquiry undertaken pursuant to the judgment and order dated 06.09.2022 passed in the writ petition, W.P.[C] no. 4761/2021.

6. Though Mr. Roy, learned counsel for the opposite party nos. 1 & 2 has objected to the impleadment of the applicant on the ground that no relief has been sought for against the applicant in the connected writ petition, W.P.[C] no. 8462/2022, this Court having considered the directions made in the judgment and order dated 06.09.2022 passed in the writ petition, W.P.[C] no. 4761/2021 and the averments made in the instant interlocutory application regarding necessity of the applicant as a party-respondent, is of the considered view that the presence of the applicant as a party-respondent in the writ petition, W.P.[C] no. 8462/2022 for proper its adjudication, is necessary. Accordingly, the instant interlocutory application seeking impleadment of the applicant – Sri Monsing Rongpi, S/o Late Moksus Rongpi, R/o village – Tamlikuchi, P.O. Tamlikuchi, P.S. Sonapur, District – Kamrup [M], Assam, PIN – 793101 - as a party-respondent in the connected writ petition is allowed.

JUDGE

Comparing Assistant