

GAHC010054902023



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

Case No. : I.A.(Civil)/719/2023

M/S JYS CONSTRUCTION
HAVING ITS OFFICE AT GARBHANGA, SIVASAGAR, ASSAM, REP. BY ITS
DIRECTOR TAPASI BANARJEE, D/O- MANIK MAZUMDAR, R/O- ROOM NO.
408, BLOCK-C, HIMALAYA PLAZA, DANKUNI, HOOGLY, WEST BENGAL

VERSUS

THE GENERAL MANAGER AND 2 ORS
NORTH EASTERN FRONTIER RAILWAYS, MALIGAON, GHY, ASSAM

2:THE CHIEF FREIGHT TRANSPORTATION MANAGER
NORTH EASTERN FRONTIER RAILWAYS
MALIGAON
GUWAHATI

3:THE ASSAM MINERAL DEVELOPMENT CORPORATION LTD
REP. BY ITS MANAGING DIRECTOR
KHANIJ BHAWAN
NEAR GANESH MANDIR
R P ROAD
DISPUR
GUWAHATI- 781006
ASSA

Advocate for the Petitioner : MR. M K BORAH

Advocate for the Respondent : DY.S.G.I.

Linked Case : WP(C)/442/2023

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Advocate for : MR. M K BORAH

Advocate for : DY.S.G.I. appearing for THE GENERAL MANAGER AND 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

09.06.2023.

Heard Mr. M. K. Borah, learned counsel for the applicant.

The present Interlocutory Application is filed for correction of an order dated 01.02.2023 passed in WP(C) No. 442/2023. The prayer made in this application is as follows:-

“in the premises aforesaid, it is most respectfully prayed that your Lordship’s would graciously be pleased to admit this application and may kindly allow the petitioner with the leave of this Hon’ble Court to correct the name of the petitioner’s firm in the cause title as “M/S JYS Infra Private Limited” instead of “M/S JYS Construction” as well as the name of the petitioner’s firm as above in the order dated 01.02.2023 passed in W.P.(C) No. 442/2023 and / or pass any other necessary order/orders to that effect as your Lordships may deem fit and proper”.

Mr. P. Sharma, learned counsel for the respondents submits that there is no scope for correction of aforesaid order as the applicant itself has declared it to be “M/S JYS Construction” and not “M/S JYS Infra private Limited”.

This Court is also considered the aforesaid submission.

It is clear from the cause of the writ petition that the petitioner has declared it to be proprietorial firm in the name of “M/S JYS Construction” whereas the name sought to be changed is a Private Limited Company.

In the aforesaid view, it cannot be said that there is any error in passing the aforesaid order dated 01.02.2023 in W.P.(C) No. 442/2023.

Accordingly, this I.A. stands dismissed.

The applicant is at liberty to file appropriate application for correction of the name of the writ petitioner itself if permitted under law.

Though the I.A.(Civil)/719/2023 is closed on merit, however, Registry is directed to register a suo-moto case, in the following backdrop:-

Learned counsel Mr. Mridul Kumar Borah, made a mention at the mentioning hour requesting this Court to adjourned this I.A (Civil)/719/2023 on the ground that he has misplaced the copy of the I.A. However, as the matter is listed along with a series of writ petitions this Court declined such prayer of adjournment at mentioning hour.

It is brought to the notice of this Court by the Court Master that, Mr. Borah has requested the Court Master to allow him to go through the record. Accordingly he was allowed in presence of the Office Peon to go through the second file. However, Mr. Borah has taken out the court record and took it beyond the court room even after objection by the Court Peon. The Court Peon had to rush along with learned counsel and had to recover the case record from the corridor of this Court.

After coming to know that the incident has been reported by the Court Master, Mr. Borah has sought for an apology for taking such course of action and submits that he will never repeat it. This Court is not inclined to grant apology in this way. Accordingly, let a Suo-Moto petition be registered and notice be issued

to Mr. Mridul Kumar Borah having Enrolment No.787/2004, Mobile No. 97060-45664, Email ID: mridulkumar.borah@gmail.com asking him as to why action permissible under law, should not be taken against him for unauthorisedly removing Court record from the Court room.

For the purpose of issuing the notice, Registry may collect details of Mr. Borah from the office of The Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim.

Notice is made returnable on 19.07.2023.

A copy of this order be furnished to Mr. Mridul Kumar Borah by the Registry.

A copy also be served upon the Chairman of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim.

This Court also requests the Chairman of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim to remain present on the next date fixed and to assist this Court.

List this matter after registration by showing the name of Mr. Mridul Kumar Borah and the Chairman of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim in the cause list.

JUDGE

Comparing Assistant