

GAHC010081892023



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

Case No. : I.A.(Civil)/1314/2023

GIRIN DAS,
S/O. LT. MATHURA DAS, R/O. HAIBARGAON, P.O. HAIBARGAON, PIN-
782002, DIST. NAGAON, ASSAM.

VERSUS

THE INDIAN OIL CORPORATION LTD AND 6 ORS
A GOVT. OF INDIA ENTERPRISE REGD. UNDER THE COMPANIES ACT, 1956,
REP. BY ITS CHAIRMAN AND HAVING ITS REGD. OFFICE AT INDIAN OIL
BHAWAN, ALI YAVAR JUNG MARG, BANDRA (EAST), MUMBAI-400051.

2:THE MARKETING OFFICER

INDIAN OIL CORPORATION LTD.
ASSAM OIL DIVISION.

3:THE CHIEF DIVISIONAL RETAIL SALES MANAGER

INDIAN OIL CORPORATION LTD.
EAST POINT TOWER
BAMUNIMAIA
GUWAHATI-781021
DIST. KAMRUP (M)
ASSAM.

4:THE DY. COMMISSIONER

MORIGAON
ASSAM.

5:MAUSHUMI KHAUND DAS

W/O. SRI PARASHMONI DAS
R/O. A T ROAD
VODAFONE BUILDING
OPPOSITE HAIBARGAON HIGH SCHOOL
PIN-782002
DIST. NAGAON
ASSAM.

6:PARASHMONI DAS

S/O. LT. MATHURA DAS. R/O. A T ROAD
VODAFONE BUILDING
OPPOSITE HAIBARGAON HIGH SCHOOL
PIN-782002
DIST. NAGAON
ASSAM.

7:ASHOK DAS

S/O. LT. MATHURA DAS
R/O. HAIBARGAON
P.O. HAIBARGAON
PIN-782002
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MS. N DEY

Advocate for the Respondent : SC, I O C

Linked Case : WP(C)/4499/2020

ASHOK DAS
S/O. LT. MATHURA DAS
R/O. HAIBARGAON
P.O. HAIBARGAON
PIN-782002
DIST. NAGAON
ASSAM.

VERSUS

THE INDIAN OIL CORPORATION LTD AND 5 ORS
A GOVT. OF INDIA ENTERPRISE REGD. UNDER THE COMPANIES ACT
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REP. BY ITS CHAIRMAN AND HAVING ITS REGD. OFFICE AT INDIAN OIL
BHAWAN
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ASSAM.

Advocate for : MR. P N GOSWAMI
Advocate for : SC
I O C appearing for THE INDIAN OIL CORPORATION LTD AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 22-05-2023

Ms. N. Dey, learned counsel for the applicant; Ms. A. Talukdar, learned counsel for the opposite party nos. 1, 2 & 3; Mr. R. Talukdar, learned Junior Government Advocate, Assam for the opposite party no. 4; and Mr. U. Saikia, learned counsel for the opposite party no. 7.

None has appeared for the opposite party nos. 5 & 6 though the names of the learned counsel for the opposite party nos. 5 & 6 are reflected in the cause list.

The opposite party no. 7, as the writ petitioner, has preferred the connected writ petition, W.P.[C] no. 4499/2020 seeking *inter alia* a direction to the opposite party-respondent nos. 1, 2 & 3 to immediately suspend/stop the operation of a petrol pump run in the name and style of M/s Purnima Filling Station from a plot of land at Morigaon, which the opposite party no. 7-writ petitioner claims that he is a co-owner of that plot of land and the petrol pump has been set up without being there being any registered lease deed.

The applicant herein has claimed that he is a brother of the opposite party no. 7-writ petitioner and he and the opposite party no. 7-writ petitioner, are co-owners of the plot of land where the petrol pump, M/s Purnima Filling Station is being run unauthorized by the opposite party nos. 5 & 6 in connivance with the officials of the opposite party nos. 1, 2 & 3. It is averred that at the time of institution of the writ petitioner, the applicant was not in good health and could not join the opposite party no. 7-writ petitioner in instituting the writ petition.

It is averred that the instant interlocutory application has been filed by the applicant seeking his impleadment as a party-respondent no. 7 in the connected writ petition. The learned counsel for the opposite parties have submitted that they have no objection to the impleadment of the applicant as a party-respondent in the connected writ petition.

I have gone through the averments made in the interlocutory application. Having regard to the projections made in the interlocutory application and considering the fact that the opposite parties have no objection to the impleadment of the applicant as a party-respondent in the connected writ petition, this Court is of the considered view that the applicant has made out a prima facie case for his impleadment as a party-respondent in the connected writ petition and accordingly, the instant interlocutory application seeking impleadment of the applicant as party-respondent no. 7 in the connected writ petition, W.P.[C] no. 4499/2020 is allowed.

Office to carry out necessary correction in the cause title of the connected writ petition and list the case for admission after 2 [two] weeks.

JUDGE

Comparing Assistant