

GAHC010254952022



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

Case No. : WP(C)/264/2023

BIDHAN GOGOI AND ANR
S/O- LT. NAGEN GOGOI, R/O- VILL- NA KHANGIA, P.O. AND P.S.
TENGA KHAT, DIST.- DIBRUGARH, ASSAM, PIN- 786103

2: RAJESH GOGOI
S/O- LT. MINA RAM GOGOI
R/O- VILL- PADUMONI (TAMULIKHT)
P.O. AND P.S. TENGA KHAT
DIST.- DIBRUGARH
ASSAM
PIN- 78610

VERSUS

OIL INDIA LTD AND 3 ORS
REGD. OFFICE, DULIAJAN, P.O. DULIAJAN- 786602, DIST.- DIBRUGARH,
ASSAM

2: THE CHAIRMAN AND MANAGING DIRECTOR
OIL INDIA LTD.
DULIAJAN
P.O. DULIAJAN- 786602
DIST.- DIBRUGARH
ASSAM

3: THE RESIDENT CHIEF EXECUTIVE OIL INDIA LIMITED
DULIAJAN
DIBRUGARH
ASSAM

4: GENERAL MANAGER CONTRACT (HOD)
OIL INDIA LIMITED
DULIAJAN
DIBRUGARH

ASSA

Advocate for the Petitioner : MR. M B U AHMED

Advocate for the Respondent : SC, OIL

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.01.2023

Heard Mr. M. B. U. Ahmed, learned counsel for the petitioners. Also heard Mr. K. Kalita, learned standing counsel for the respondents.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioners are seeking a direction from this Court to register him as contractors under the Oil India Ltd., respondent herein.

3. It is submitted by the learned counsel for the petitioner that in a similar matter, this Court vide order dated 09.09.2022 passed in WP (C) 5916/2022 had issued a notice of motion. It is also submitted that in the said case also the respondent authorities had taken a plea that new registration of contractors could not be granted in view of the order of injunction passed by the Court of learned Munsiff No. 1, Dibrugarh in Misc. (J) Case No. 78/2019 in T. S. 101/2019. Nonetheless this Court had issued a notice of motion and accordingly, it is submitted that the present writ petition be also heard along with the said writ petition.

4. The learned standing counsel for the respondents has submitted that till the present date, the order of injunction passed by the Court of learned Munsiff No. 1, Dibrugarh in Misc. (J) Case No. 78/2019 is still holding the field and has not been modified or set aside.

5. In the aforesaid circumstances, when there is an order of injunction operating, which is passed in proceeding of Misc. (J) Case No. 78/2019 in T. S. 101/2019, which is still holding the field, the Court finds that even if the matter is finally heard and disposed of today, there are limitations of the power of the Court, even while exercising jurisdiction under Article 226 of the Constitution of India to issue any direction which would run/operate contrary to the order of injunction passed by the jurisdictional Civil Court.

6. In the further opinion of the Court, till the order of injunction passed by the Court of learned Munsiff No. 1, Dibrugarh in Misc. J. Case No. 78/2019 is operating and/or holding the field, till such order is set aside or reversed, the respondents would be suffering from legal disability in entertaining a request for registration of Contractors. Therefore, this Court does not intend to burden this Court with keeping this matter pending as the petitioners can again approach this Court if their request for registration is not entertained after the order of injunction passed in Misc. (J) Case No. 78/2019 is vacated or set aside.

7. Therefore, this Court is inclined to close this writ petition by granting liberty to the petitioners either to implead themselves in the proceeding of T. S. 101/2019 in Misc. (J) Case No. 78/2019 and/or to approach this Court again, if the order of injunction passed in the said proceedings is vacated and their request of registration of Contractors is not acted upon.

8. With liberty as indicated above this writ petition stands disposed of in the motion stage without issuing notice on the respondents.

JUDGE

Comparing Assistant