

GAHC010013062024



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

Case No. : I.A.(Civil)/244/2024

HABIBUR RAHMAN AND 6 ORS
S/O ABUL HUSSAIN, R/O VILL. TINSUKIA, P.O. TINSUKIA, P.S. JURIA, DIST.
NAGAON, ASSAM, PIN 782124.

VERSUS

MD. KITAB ALI,
S/O LATE HATEM ALI, VILL.- TINSUKIA, P.O.- TINSUKIA, P.O.- TINSUKIA,
P.S.- JURIA, DIST.- NAGAON, ASSAM, PIN- 782124.

2:THE DISTRICT COMMISSIONER
NAGAON DIST.
NAGAON
PIN- 782001.

3:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
NAGAON
ASSAM
PIN- 782001.

4:THE CIRCLE OFFICER
RUPAHI REVENUE CIRCLE
JURIYA
PIN- 782124.

5:THE CHIEF EXECUTIVR OFFICER
NAGAON ZILA PARISHAD
P.O. AND DIST.- NAGAON
ASSAM
PIN- 782001.

6:THE EXECUTIVE OFFICER

JURIA ANCHALIK PANCHAYAT
P.O.- JURIA
DIST.- NAGAON
PIN- 782124.

7:THE STATE OF ASSAM

REP. BY THE SECRETARY
LAND AND REVENUE DEPTT.
DISPUR
GUWAHATI- 06

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : MR. R MAZUMDAR

Linked Case : WP(C)/7520/2023

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S/O LATE HATEM ALI

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P.O.- TINSUKIA
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PIN- 782124.

Advocate for : MR. R MAZUMDAR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.04.2024

Heard Ms. S. B. Choudhury, learned counsel for the applicant. Mr. K. M. Hasan, learned counsel for the opposite party no.1, who is the writ petitioner in the connected writ petition.

2. By filing this interlocutory application, the applicant seeks impleadment as respondent no.7 in the connected writ petition by projecting that on a complaint initiated by him and others, the eviction process of the petitioner has been initiated.

3. The learned counsel for the opposite party no.1, by referring to the

affidavit-in-opposition filed in this matter, has raised a preliminary objection as to the maintainability of this application.

4. The learned counsel for the opposite party no.1 has submitted that the land was originally a private patta land which was converted behind his back to Govt. land and therefore, the limited prayer in the writ petition is to provide him with a copy of the concerned R.K. case on which process against the petitioner was initiated. Accordingly, the learned counsel of the opposite party no.1 submits that the petitioner is neither a proper nor a necessary party in this writ petition.

5. From the documents annexed to the interlocutory application, it is seen that the applicant has annexed a copy of the complaint dated 23.05.2023 before the Deputy Commissioner, Nagaon for evicting encroachment from the Govt. land.

6. Therefore, as the process of eviction of the opposite party no.1 has been initiated based on the complaint of the applicant, the Court is of the considered opinion that the applicant is a proper and necessary party in the connected writ petition as he does have material interest in the subject matter in the connected writ petition.

7. Accordingly, this interlocutory application stands allowed.

JUDGE

Comparing Assistant