

GAHC010025592024



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

Case No. : I.A.(Civil)/363/2024

GABINDA DEB AND 4 ORS
S/O LATE GAJENDRA CHANDRA DEB, R/O LONGAI ROAD, P.O.
SETTLEMENT ROAD, P.S. AND DIST. KARIMGANJ, ASSAM, PIN 788712.

2: NABA KISHORE DEB
S/O GOBINDA DEB
R/O LONGAI ROAD
P.O. SETTLEMENT ROAD
P.S. AND DIST. KARIMGANJ
ASSAM
PIN 788712.

3: SAMPA DEB ROY
D/O GOBINDA DEB
R/O LONGAI ROAD
P.O. SETTLEMENT ROAD
P.S. AND DIST. KARIMGANJ
ASSAM
PIN 788712.

4: SHWASTI DEB PANDIT
D/O GOBINDA DEB
R/O LONGAI ROAD
P.O. SETTLEMENT ROAD
P.S. AND DIST. KARIMGANJ
ASSAM
PIN 788712.

5: SUSMITA DEB (DEY)
S/O GOBINDA DEB
R/O LONGAI ROAD
P.O. SETTLEMENT ROAD
P.S. AND DIST. KARIMGANJ
ASSAM

PIN 788712

VERSUS

BIJOY KRISHNA DAM AND 2 ORS
SON OF LATE ANIL RANJAN DAM, RESIDENT OF LONGAI ROAD, WARD
NO. 2 (OLD)/ 3 (NEW), POST OFFICE- SETTLEMENT ROAD, DISTRICT-
KARIMGANJ, ASSAM, PINCODE- 788712.

2:THE KARIMGANJ MUNICIPAL BOARD
REPRESENTED BY THE EXECUTIVE OFFICER
KARIMGANJ
ASSAM.

3:THE EXECUTIVE OFFICER
KARIMGANJ MUNICIPAL BOARD
KARIMGANJ
ASSAM

Advocate for the Petitioner : MR. S K GHOSH

Advocate for the Respondent : MR. S BANIK

Linked Case : **WP(C)/7620/2023**

BIJOY KRISHNA DAM
SON OF LATE ANIL RANJAN DAM
RESIDENT OF LONGAI ROAD
WARD NO. 2 (OLD)/ 3 (NEW)
POST OFFICE- SETTLEMENT ROAD
DISTRICT- KARIMGANJ
ASSAM
PINCODE- 788712.

VERSUS

THE KARIMGANJ MUNICIPAL BOARD AND 4 ORS
REPRESENTED BY THE EXECUTIVE OFFICER
KARIMGANJ
ASSAM.

2:THE EXECUTIVE OFFICER
KARIMGANJ MUNICIPAL BOARD
REPRESENTED BY THE EXECUTIVE OFFICER
KARIMGANJ
ASSAM.

3:THE CHAIRMAN
KARIMGANJ MUNICIPAL BOARD
KARIMGANJ
ASSAM.

4:BIKRAM CHASA
ACS
THE THEN EXECUTIVE OFFICER
KARIMGANJ MUNICIPAL BOARD
KARIMGANJ
ASSAM.
PRESENTLY POSTED AS EXTRA ASSISTANT COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER
KAMRUP(METROPOLITAN)
HENGRABARI
GUWAHATI
ASSAM.

5:RABINDRA CHANDRA DEB
CHAIRMAN
KARIMGANJ MUNICIPAL BOARD
KARIMGANJ
ASSAM.

Advocate for : MR. S BANIK
Advocate for : appearing for THE KARIMGANJ MUNICIPAL BOARD AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 09-02-2024

Heard Mr. S.K. Ghosh, learned counsel for the applicants and Mr. S. Banik, learned counsel for the opposite party no. 1-writ petitioner.

2. The instant interlocutory application has been preferred by the applicants seeking their impleadment as party-respondents in the connected writ petition, W.P.[C] no. 7620/2023, preferred by the opposite party no. 1 as the writ petitioner.

3. Mr. Banik, learned counsel for the opposite party no. 1-writ petitioner has contended that the applicant no. 1 herein during the consideration of the previous writ proceeding, W.P.

[C] no. 1749/2022 made a categorical statement before the Court that he was not the owner of the property, in respect of which the said writ petition was preferred. In the said writ petition, W.P.[C] no. 1749/2022, the applicant no. 1 was impleaded as party-respondent no. 6. In the said writ petition, the applicant no. 1 as the party-respondent no. 6 filed an affidavit-in-opposition on 31.08.2022. When the said writ petition, W.P.[C] no. 1749/2022 came up for final consideration on 20.01.2023, it was submitted on behalf of the party-respondent no. 6 therein, that is, the applicant no. 1 herein that the owner of the property [house] was his deceased wife [Subharani Dev] and after her death, he did not become the owner of the property [house]. The Court recorded that the party-respondent no. 6 therein, that is, the applicant no. 1 herein was not a party who was to be aggrieved by any order to be passed in the said writ petition, as he did not claim ownership right over the property [house] of the deceased wife. With such observation, the name of the party-respondent no. 6 in the writ petition, W.P.[C] no. 1749/2022, that is, the applicant no. 1 herein was struck off.

4. Mr. Ghosh, learned counsel for the applicants has submitted that aggrieved by the said order dated 20.01.2023 passed in W.P.[C] no. 1749/2022, the applicant no. 1 as the petitioner has preferred a review application, Review Petition no. 99/2023 and the said review petition is pending.

5. Mr. Banik, learned counsel for the opposite party no. 1-writ petitioner has, however, raised no objection as regards the prayer for impleadment of the applicant nos. 2 – 5.

6. Having gone through the statements and averments made in the instant interlocutory application and considering that Mr. Banik, learned counsel for the opposite party no. 1 has no objection, the instant interlocutory application seeking impleadment in so far as the applicant nos. 2 – 5 as party-respondents in the connected writ petition is concerned, is allowed. As the Review Petition no. 99/2023 is pending for consideration and in view of the observation recorded in the order dated 20.01.2023 passed in the writ petition, W.P.[C] no. 1749/2022, the prayer made on behalf of the applicant no. 1 herein for his impleadment as a party-respondent in the connected writ petition, W.P.[C] no. 7620/2023 is declined, at this stage.

7. The learned counsel for the parties shall file amended cause-title in terms of the Notification no. 79 dated 19.06.2023 before the Registry within 7 [seven] days from today.

8. The Registry to list the writ petition, W.P.[C] no. 7620/2023, after carrying out the necessary correction/modification on submission of the amended cause-title.

JUDGE

Comparing Assistant