

GAHC010030002024



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

Case No. : CRP/21/2024

DIPTI MEDHI

W/O- LATE DHARMA RAM MEDHI, R/O- NO. 1 JYOTINAGAR, SONAPUR,
P.O. AND P.S. SONAPUR, DIST. KAMRUP(M), ASSAM, PIN- 782402.

VERSUS

APURBA KUMAR MEDHI AND 4 ORS

S/O- LATE KARUNA KANTA MEDHI, R/O- KAMALAJARI, SONAPUR, P.O.
AND P.S. SONAPUR, DIST. KAMRUP(M), ASSAM, PIN- 782402.

2:AMIYA KUMAR MEDHI

S/O- LATE KARUNA KANTA MEDHI

R/O- KAMALAJARI

SONAPUR

P.O. AND P.S. SONAPUR

DIST. KAMRUP(M)

ASSAM

PIN- 782402.

3:RAJIB KUMAR MEDHI

S/O- LATE KARUNA KANTA MEDHI

R/O- KAMALAJARI

SONAPUR

P.O. AND P.S. SONAPUR

DIST. KAMRUP(M)

ASSAM

PIN- 782402.

4:BHABANI MOHAN MEDHI

S/O- LATE KARUNA KANTA MEDHI

R/O- KAMALAJARI

SONAPUR

P.O. AND P.S. SONAPUR
DIST. KAMRUP(M)
ASSAM
PIN- 782402.

5:SMTI. LABANYA MEDHI
D/O- LATE KARUNA KANTA MEDHI
R/O- KAMALAJARI
SONAPUR
P.O. AND P.S. SONAPUR
DIST. KAMRUP(M)
ASSAM
PIN- 782402

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : MR. ANANTA RAM MEDHI

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 15.03.2024

1. Mr. S. Chamaria, the learned counsel appearing on behalf of the Petitioner submitted that he may be permitted to withdraw the instant application filed under Section 115 of the Code of Civil Procedure, 1908 against the judgment and order dated 26.12.2023 passed in Case No.10RA(K)/2020 passed by the learned Assam Board of Revenue. He further submitted that the instant application is not maintainable and the proper course of remedy to assail the said judgment and order would be by way of writ proceedings under Article 226 of the Constitution.
2. Taking into account the said submission, the instant application under Section 115 of the Code stands dismissed on withdrawal.
3. It is made clear that the dismissal of the instant application shall not

prejudice the Petitioner to avail other remedies as available under law.

4. Taking into account that the instant proceedings has been dismissed on withdrawal, the interim order passed earlier stands vacated.

JUDGE

Comparing Assistant