

GAHC010095062024



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

Case No. : CRP(IO)/160/2024

MD YUNUS ALI
SON OF LATE HAJI YASIN ALI,
RESIDENT OF WARD NO. 7, NS ROAD,
PO, PS AND DISTRICT- DHUBRI, ASSAM,
PIN- 783301.

VERSUS

JAHANGIR ALAM SARKAR AND 10 ORS
SON OF ASKAR ALI,
RESIDENT OF VILLAGE JHAGRA PART-III,
PO- JHAGRAPAR, PS- DHUBRI,
DISTRICT- DHUBRI, ASSAM, PIN- 783325.

2:SUJIT NATH
SON OF SANTOSH KUMAR NATH

RESIDENT OF VILLAGE JHAGRA PART-III

PO- JHAGRAPAR
PS- DHUBRI

DISTRICT- DHUBRI
ASSAM
PIN- 783325.

3:SUDHIR CH NATH
SON OF LATE MONOHAR NATH @ DHAMAI CH. NATH

RESIDENT OF VILLAGE JHAGRA PART-III

PO- JHAGRARPAR

PS- DHUBRI

DISTRICT- DHUBRI
ASSAM
PIN- 783325.

4:JULFIKAR RAHMAN
SON OF LATE HABIBUR RAHMAN

RESIDENT OF DHUBRI TOWN WARD NO. 11

PO
PS AND DISTRICT- DHUBRI
ASSAM.

5:ATIKUR RAHMAN
SON OF LATE HABIBUR RAHMAN

RESIDENT OF DHUBRI TOWN WARD NO. 11

PO
PS AND DISTRICT- DHUBRI
ASSAM.

6:PARIJA SULTANA RAHMAN
DAUGHTER OF LATE HABIBUR RAHMAN

RESIDENT OF DHUBRI TOWN WARD NO. 11

PO
PS AND DISTRICT- DHUBRI
ASSAM.

7:MAJEDA KHATUN
W/O LATE HABIBUR RAHMAN

RESIDENT OF DHUBRI TOWN WARD NO. 11

PO
PS AND DISTRICT- DHUBRI
ASSAM.

8:SUSHIL KR DAS
GOVT PLEADER
DHUBRI.

9:THE STATE OF ASSAM
REPRESENTED BY THE COLLECTOR

DISTRICT- DHUBRI.

10:SETTLEMENT OFFICER
DHUBRI AND KOKRAJHAR DISTRICT
PO AND DISTRICT- DHUBRI
ASSAM.

11:ASST SETTLEMENT OFFICER
DHUBRI REVENUE CIRCLE
PO AND DISTRICT- DHUBRI
ASSAM

Advocate for the Petitioner : MR. K K DEY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

17.05.2024

Heard Mr. K K Dey, learned counsel for the petitioner as well as Ms. D D Barman, learned Additional Senior Government Advocate, Assam for the respondent nos. 9, 10 and 11.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 22.03.2024 passed by the learned Civil Judge (Junior Division) No. 1, Dhubri in Misc. (J) Case No. 68/2024 arising out of Title Suit No. 168/2021.

In Misc. (J) Case No. 101/2021, on 23.11.2021, the court below granted the prayer of injunction under Order 39 Rule 1 and 2 of the CPC and directed the opposite party not to dispossess the present petitioner from the suit property till disposal of the Title Suit No. 168/2021.

Now, Mr. Dey has submitted that in spite of the aforesaid restraining order, the opposite party is trying to dispossess the petitioner by undertaking construction work in the suit land. According to Mr. Dey, the petitioner approached the court below for

seeking Police help to enforce the injunction order but no favourable order was passed in that matter. Therefore, Mr. Dey prays before this court that a direction should be given to the Police to implement the order of injunction.

I have considered the submission of Mr. Dey. I find that the submission of Mr. Dey has force in it. Therefore, the Officer-in-charge, Dhubri Police Station is directed to implement the order of injunction passed by the court below. The petitioner shall approach the Officer-in-charge of Dhubri Police Station for the purpose aforesaid.

With the above, the civil revision petition is disposed of.

JUDGE

Comparing Assistant