

GAHC010126652024



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

Case No. : CRP(IO)/258/2024

SHIPRA DAS
D/O LATE HEMENDRA CHANDRA DAS,
RESIDENT OF WEST SRIPURIA, HARI SABHA ROAD, PO , PS AND DIST
TINSUKIA, ASSAM 786145

VERSUS

TINSUKIA MUNICIPAL BOARD AND 2 ORS
REPRESENTED BY ITS CHAIRMAN

2:THE CHAIRMAN
TINSUKIA MUNICIPAL BOARD

3:THE EXECUTIVE OFFICER

TINSUKIA MUNICIPAL BOARD
TINSUKIA

RES. NO. 1 TO 3 ARE HAVING OFFICE AT G.N.B ROAD
TINSUKIA TOWN
PO
PS AND DIST TINSUKIA
ASSAM 78612

Advocate for the Petitioner : MR D KALITA

Advocate for the Respondent : SC, TMB

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

29.07.2024

Heard Mr. D Kalita, learned counsel for the petitioner as well as Mr. S S Roy, learned counsel appearing for the respondents.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 01.04.2024 passed by the learned Civil Judge (Jr. Division) No. 1, Tinsukia in T.S. No. 22/2022.

The petitioner was granted permission by the respondents for constructing a wall in her land. After construction of the wall, the respondents found that the petitioner has constructed the wall in the middle of the public draining causing disturbance of flow of water through the drain. Therefore, the respondent no. 2 issued a Notice asking the petitioner to demolish the wall. Thereafter, the petitioner filed a suit being T.S. No. 22/2022 challenging the said Notice issued by the respondents. During the pendency of the suit, the petitioner filed a petition under Order 13 Rule 10 of the CPC calling for the original records of permission that was given to her by the respondents. The trial court rejected the said prayer stating that the prayer was made prematurely. The trial court further held that at the relevant time, the said prayer shall be considered by the court.

After hearing the learned counsel for both the sides, I find no error in the impugned order. The trial court has correctly passed the order. Therefore, the present revision petition is found to be devoid of merit and stands dismissed accordingly.

JUDGE

Comparing Assistant