

GAHC010145732024



2024:GAU-AS:11638

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

Case No. : WP(C)/3654/2024

M/S SHAMSHUN TEA INDUSTRIES PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT 33/1, N.S ROAD, 444, MARSHALL
HOUSE, KOLKATA 700001. GARDEN OFFICE, PO DEMOW, DIST
DIBRUGARH, 785662 REP. BY ONE OF ITS DIRECTOR, SRI VINOD
AGARWAL, AGED ABOUT 60 YEARS, S/O LATE KISHAN LAL AGARWAL,
RESIDENT OF FLAT NO. 5D, AND 5E, LANSLOWNE HEIGHTS, 6, SARAT
BOSE ROAD, KOLKATA 700020.

VERSUS

THE CHAIRMAN AND MANAGING DIRECTOR, OIL INDIA LTD AND 4 ORS
OIL INDIA LIMITED, CORPORATE OFFICE, OIL INDIA LIMITED, PLOT NO.
19, NEAR FILM CITY, SECTOR 16A, NOIDA 201301

2:THE GENERAL MANAGER- LAND (HOD)
LAND DEPARTMENT
OIL INDIA LIMITED
DULIAJAN
786602
ASSAM

3:THE SENIOR MANAGER-LAND DEPARTMENT

OIL INDIA LIMITED
DULIAJAN
786602
ASSAM

4:THE DEPUTY COMMISSIONER
DIBRUGARH
ASSAM 786003

5:MRS. LUCILLE LAILA RAHMAN
W/O MR. SHAUKAT MD. RAHMAN
PROPRIETOR OF ESSEL BIO RESEARCH PLANTATION
RESIDENT OF NIRMALI GAON
PO RATANPUR
DIBRUGARH TOWN
DIST DIBRUGARH
ASSAM 78600

Advocate for the petitioner(s): Ms. M Hazarika

Ms. S Newar

Advocate for the respondent(s): Mr. A Sarma

Ms. U Bhattacharjee

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.11.2024

Heard Ms. M Hazarika, the learned senior counsel, assisted by Ms. S Newar, the learned counsel appearing on behalf of the petitioner. Mr. A Sarma, the learned counsel appears on behalf of the respondent Nos.1, 2 and 3, Ms. U Bhattacharjee, the learned counsel appears on behalf of the respondent No.5 and Mr. J Handique, the learned Government Advocate, appears on behalf of respondent No.4.

2. The dispute raised in the instant proceedings pertains to certain amount which the respondent Nos.1,2 and 3 had paid to the respondent No.5. The case

of the petitioner herein is that the petitioner ought to have been paid the amount and not the respondent No.5.

3. The learned counsel appearing on behalf of the respondent No.5 on the other hand, categorically submits that on the basis of the materials on record, it would be seen that the petitioner herein has no right to receive the amount.

4. Mr. A Sarma, the learned counsel appearing on behalf of the respondent Nos.1, 2 and 3 submits that the said respondents have nothing to do in the matter, taking into account that on the basis of the power of attorney, the amount in question had been duly paid.

5. This Court upon hearing the learned counsels appearing on behalf of the parties, is of the opinion that this matter is primarily a civil dispute between the petitioner as well as the respondent No.5.

6. Under such circumstances, this Court is of the opinion that the present writ petition is not a fit case for being entertained.

7. Accordingly, the writ petition stands dismissed on being not entertained. However, the petitioner herein would be at liberty to file a Civil Suit before the competent Court of jurisdiction and the dismissal of the instant writ petition on being not entertained shall not prejudice the petitioner. In addition to that, the period from 24.07.2024 till date be excluded while computing the period of

limitation.

JUDGE

Comparing Assistant