

GAHC010166052024



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

Case No. : CRP(IO)/303/2024

ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED AND ANR
A GOVERNMENT OF ASSAM UNDERTAKING, REGISTERED UNDER THE
COMPANIES ACT, 1956, REPRESENTED BY ITS ASSISTANT MANAGER
LEGAL SMTI MANASHI PATHAK AND HAVING ITS REGISTERED OFFICE AT
R.G. BARUAH ROAD, GUWAHATI-781024.

2: THE ASSISTANT MANAGER
LEGAL
SMTI. MANASHI PATHAK
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LIMITED
R.G. BAURAH ROAD
GUWAHATI-781024

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, CIVIL AVIATION OF INDIA RAJIV
GANDHI BHAWAN,SAFDARJUNG AIRPORT, NEW DELHI-110003.

2:AIRPORT AUTHORITY OF INDIA
A STATUTORY BODY UNDER THE MINISTRY OF CIVIL AVIATION
GOVERNMENT OF INDIA
REPRESENTED BY ITS CHAIRMAN
RAJIV GANDHI BHAWAN
SAFDARJUNG AIRPORT
NEW DELHI-110003.

3:THE CHAIRMAN
AIRPORT AUTHORITY OF INDIA
RAJIV GANDHI BHAWAN
SAFDARJUNG AIRPORT
NEW DELHI-110003.

4:THE EXECUTIVE DIRECTOR

(LAND MANAGEMENT)
AIRPORT AUTHORITY OF INDIA
RAJIV GANDHI BHAWAN
SAFDARJUNG AIRPORT
NEW DELHI-110003.

5:THE AIRPORT DIRECTOR
AIRPORT AUTHORITY OF INDIA
LOKPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15.

6:THE REGIONAL EXECUTIVE DIRECTOR (NER)
AIRPORT AUTHORITY OF INDIA
LOKPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15.

7:THE CHIEF AIRPORT OFFICER
LOKPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15.

8:THE OFFICER-IN-CHARGE
AIRPORT AUTHORITY OF INDIA
LOKPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15

Advocate for the Petitioner : MR. P P DAS, MR. SURAJIT DAS

Advocate for the Respondent : DY.S.G.I., MS N B KAYASTHA(R- 2 TO 8),MR. R DUBEY(R- 2 TO 8),MS. A B KAYASTHA(R- 2 TO 8),MR. A N I HUSSAIN(R- 2 TO 8)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28.08.2024

Heard Mr. S. Das, learned counsel for the petitioners and Mr. B. Chakraborty, learned CGC for the respondent No. 1. Also heard Mr. R. Dubey, learned counsel for the respondent Nos. 2 to 8.

2. In this petition, under Article 227 of the Constitution of India, the petitioners, Assam Industrial Development Corporation Ltd. and another, have

put to challenge the correctness or otherwise of the order dated 01.08.2024, passed by the learned Civil Judge (Senior Division) No. 2, Kamrup(M), Guwahati, in Misc.(J) Case No. 703/2024, arising out of Title Suit No. 383/2024.

3. Mr. Das, learned counsel for the petitioners submits that in Title Suit No. 383/2024, the petitioners have preferred one petition, being Petition No. 5030/2024, under Order 39 Rules 1 and 2, read with Section 151 of the Code of Civil Procedure, for granting temporary injunction against the opposite parties/respondents herein. But, vide order dated 01.08.2024, in Misc.(J) Case No. 703/2024, the learned Civil Judge (Senior Division) No. 2, Kamrup(M), Guwahati, while dispensing with the notice to be issued under sub-section (2) Section 80 of the Code of Civil Procedure, has issued notice to the opposite parties without considering the Petition No. 5030/2024, which was preferred for granting ad-interim temporary injunction against the opposite parties and the learned Civil Judge (Senior Division) No. 2, Kamrup(M), Guwahati has fixed the matter on 30.09.2024, for service report and written objection. Mr. Das, further submits that there is some urgency in the matter as the respondents are trying to dispossess the petitioners from the suit premises and accordingly, Mr. Das submits that the matter may be remanded back to the learned trial Court with a direction to prepone the date and to hear both the parties and to finally dispose of the petition.

4. Per contra, Mr. Dubey, learned counsel for the respondent Nos. 2 to 8 submits that he has no objection in remanding the matter to the learned trial Court to prepone the date, but he submits that he may be given an opportunity to file objection before the learned Civil Judge (Senior Division) No. 2, Kamrup(M), Guwahati.

5. In view of the submissions of learned Advocates of both sides and as

consented, this Court is inclined to remand the matter back to the learned trial Court with a direction to prepone the next date, and after giving an opportunity to the respondents to file objection, to hear the matter and to dispose of the same in accordance with law.

6. Accordingly, the parties are directed to appear before the learned Civil Judge (Senior Division) No. 2, Kamrup(M), Guwahati on 06.09.2024.

7. Mr. Das, learned counsel for the petitioners undertakes to furnish the copies of the petition and other documents to Mr. Dubey, learned counsel for the respondent Nos. 2 to 8, during the course of the day.

8. In terms of above, this revision petition stands disposed of.

JUDGE

Comparing Assistant