

GAHC010204172022



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

Case No. : WP(C)/6842/2022

BISWESWARI PATIR
DAUGHTER OF LATE DIMBESWAR PATIR,
R/O- JAPORIGOG ANANDAPUR,
GUWAHATI-6, P.S. AND P.O.- DISPUR,
DIST.- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
JUDICIAL DEPARTMENT, GUWAHATI-6.

2:THE DISTRICT JUDGE
KAMRUP(M)
GUWAHATI
P.O.- GUWAHATI-1.

3:THE PRESIDING OFFICER OF THE COURT OF CIVIL JUDGE NO. 2
KAMRUP(M)
GUWAHATI
P.O. PANBAZAR
GUWAHATI-1.

4:BRAJENDRA NATH KUTUM
SON OF LATE GOMAN KUTUM

R/O- JAPORIGOG ANANDAPUR

GUWAHATI-6
P.S. AND P.O.- DISPUR

DIST.- KAMRUP
ASSAM

For the Petitioner(s) : Mr. G. Bordoloi, Advocate

For the Respondent(s) : Mr. H. K. Das, Standing Counsel
: Mr. B. Pathak, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 12.08.2024

Mr. G. Bordoloi, the learned counsel appearing on behalf of the Petitioner submits that taking into account that by way of filing the instant writ petition, an order passed by the learned Civil Court have been put to challenge, he may be permitted to withdraw the instant writ petition with a liberty to file an application under Article 227 of the Constitution.

2. Taking into account the settled principle of law that a writ in the nature of certiorari does not lie against an order passed by the learned Civil Court, this Court permits the Petitioner to withdraw the instant petition.

3. Accordingly, the instant writ petition stands closed on withdrawal.

4. Liberty however is given to the Petitioner avail other remedies as available under law. It is made clear that taking into account that the Petitioner herein under a mistaken legal advice has filed the instant writ petition, the period from 27.09.2022 till date be excluded while computing the period of limitation.

JUDGE

Comparing Assistant