

GAHC010213352023



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

Case No. : CRP(IO)/314/2023

MADHAB DIHINGIA @ MONYA DIHINGIA AND ANR
R/O BLOCK NO. 2, P.O. AND P.S. AND DIST- DHEMAJI, ASSAM

2: NIREN DIHINGIA @ LAKHAN DIHINGIA
R/O BLOCK NO. 2
P.O. AND P.S. AND DIST- DHEMAJI
ASSA

VERSUS

HIMADRI GOGOI AND 2 ORS.
D/O CHANDRA GOGOI, R/O MALOBARI GAON, P.O.-MOHEMARI, P.S.-
DHAKUAKHANA, DIST- LAKHIMPUR, ASSAM

2:BIPLOB GOGOI
S/O CHANDRA GOGOI
R/O MALOBARI GAON
P.O.-MOHEMARI
P.S.-DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM

3:RAMEN GOGOI
S/O CHANDRA GOGOI
R/O MALOBARI GAON
P.O.-MOHEMARI
P.S.-DHAKUAKHANA
DIST- LAKHIMPUR
ASSA

For the Appellant(s) : Mr. G. Choudhury, Advocate

For the Respondent(s) : Mr. A. Dhar, Advocate
: Mr. S. Roy, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 22.05.2024

This is an application under Article 227 of the Constitution challenging the order dated 11.08.2023 passed in Title Execution Case No.3/2015 whereby the learned Executing Court i.e. the Court of the learned District Judge, Dhemaji taking into account the non-compliance to the various earlier orders passed to the Circle Officer as well as the Lot Mandal had directed the Deputy Commissioner, Dhemaji to look into the matter and take necessary actions. In addition to that, the Superintendent of Police, Dhemaji was also asked to depute one section of armed force (including male and female) on payment of required cost by the decree holder at the site of the suit land. The Circle Officer, Dhemaji Revenue Circle was also directed to depute Lot Mandal to be present and assist the Civil Nazir for proper execution of the decree on the date fixed.

3. Mr. G. Choudhury the learned counsel appearing on behalf of the Petitioners submitted that the learned Executing Court while passing the order had changed the schedule of the land and as such the said order is not at all tenable.

4. On the other hand, Mr. A. Dhar, the learned counsel appearing on behalf of the decree holder who is the Respondent in the instant petition submitted that the decree which is being sought to be executed is in respect to the same schedule which have been decreed by the learned Trial Court. In that regard, during the course of hearing, Mr. A. Dhar, the learned counsel has placed before this Court the original decree which has been passed by the learned Trial Court

which has been affirmed by this Court also and further the amended title execution application wherein the schedule of the decreetal land have been duly mentioned.

5. Taking into account the above, this Court finds no infirmity in the order passed by the learned Executing Court dated 11.08.2023 in Title Execution Case No.3/2015. Accordingly, the instant petition therefore stands dismissed.

6. Further to that, the interim order passed on 22.09.2023 stands vacated. As the parties are duly represented, they are directed to appear before the learned Executing Court on 10.06.2024.

7. This Court further taking note of the order which has been passed by the learned Executing Court and the non-compliance to the specific directions being issued by the learned Executing Court to the Lot Mondol as well as the Circle Officer of the Dhemaji Revenue Circle directs the Deputy Commissioner, Dhemaji to take appropriate steps so that the decree which has been passed by this Court by the learned Trial Court can be executed in accordance with the true spirit. The Superintendent of Police, Dhemaji is also directed to do the needful.

JUDGE

Comparing Assistant