

GAHC010252462024



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

Case No. : I.A.(Civil)/3794/2024

DIBYAJYOTI GOSWAMI
D/O LATE U N GOSWAMI, W/O- SRI RANJIT KR MAHANTA, R/O- VILL-
TONGANA GAON, P.O AND P.S- GAHPUR, DIST-BISWANATH, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE UNION OF INDIA, MINISTRY
OF ROAD TRANSPORT, TRANSPORT BHAWAN-1

2:THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD (NHIDCL)
REP BY ITS MANAGING DIRECTOR
WORLD TRADE CENTRE
NAUROJI NAGAR
NEW DELHI-110029

3:THE DEPUTY GENERAL MANAGER (P)
NHIDCL
PMU
TEZPUR

4:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPTT OF REVENUE AND DM
DISPUR
GHY- 6

5:THE DEPUTY COMMISSIONER
BISWANATH
BISWANATH CHARIALI
ASSAM

6:THE ADDL DEPUTY COMMISSIONER
BISWANATH CHARIALI
ASSAM

7:THE CIRCLE OFFICER
GOHPUR REVENUE CIRCLE
GOHPUR
DIST- BISWANATH
ASSA

Advocate for the Petitioner : MR D BARUAH, MR. P K BORDOLOI,MR. P G BHAGAWATI

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

11.12.2024

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Heard Mr. D. Baruah, learned counsel for the applicant. Also heard Ms. S. Konwar, learned Government Advocate for the State of Assam, Ms. G. Hazarika, learned Standing Counsel for the Revenue Department.

This Interlocutory Application has been filed seeking for impleadment of opposite party Nos.1 to 3 as respondent 5, 6 and 7 in WP(C) No. 9534/2019.

Learned counsel appearing for the respondents does not object to the prayer made.

In that view of that matter, taking into consideration the submission of the counsel for the petitioner that opposite party Nos.1, 2 and 3 are necessary parties in WP(C) No. 9534/2019.

This writ petition was earlier disposed of by order 11.09.2023 passed in WP(C) No. 9534/2019. The said was subsequently reviewed by order dated 04.11.2024 passed in review petition No. 120/2024. The review sought for was

on the ground that the Central Government as well as the National Highway & Infrastructure Development Corporation Ltd. were not arrayed as a party respondents and as they were necessary and appropriate parties ought to have been arrayed as respondents. Accordingly, the earlier order dated 11.09.2023 disposing of the WP(C) No. 9534/2019 was recalled.

In view of this order, the present interlocutory application has been filed seeking impleadment of Union of India, National Highway & Infrastructure Development Corporation along with the Deputy General Manager of NHIDCL.

The respondents have not objected to the prayer made.

In view of the judicial order dated 04.11.2024 passed in Review Petition No.120/2024, where this Court has held that Union of India, National Highway & Infrastructure Development Corporation and Deputy General Manager of NHIDCL are necessary parties this interlocutory application accordingly stands allowed. The Union of India, represented by the Secretary to the Union of India, National Highway & Infrastructure Development Corporation Ltd. (NHIDCL) represented by its Managing Director and Deputy General Manager (P) of NHIDCL, PMU, Tezpur are arrayed as respondents No. 5, 6 and 7.

The petitioner will file amended cause title within two weeks from today. Accordingly the interlocutory application stands allowed.

JUDGE

Comparing Assistant