

GAHC010054742021



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

Case No. : WP(C)/2162/2021

SABITA PAUL
W/O- LT. BIDYA PAUL, R/O- WARD NO. 10, KOKRAJHAR TOWN, P.O., P.S.
AND DIST.- KOKRAJHAR, BTR, ASSAM, PIN- 783370

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECY./ COMMISSIONER AND SECY., GOVT. OF
ASSAM, HOME AND POLITICAL DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
DISTRICT KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

3:THE ADDL. DY. COMMISSIONER
DISTRICT KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

4:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

5:THE OFFICER-IN-CHARGE

KOKRAJHAR P.S.
KOKRAJHAR
BTR
ASSAM
INDIA
PIN- 783370

6:SNEHALATA DAS
W/O- LT. NITYANANDA DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 783370

7:NITUL CH. DAS
S/O- LT. NITYANANDA DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 783370

8:ANITA DAS
W/O- SRI NITUL DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. B J MUKHERJEE

Advocate for the Respondent : GA, ASSAM

BEFORE

THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA
ORDER

26.03.2021.

Heard Mr. B. J. Mukherjee, the learned counsel for the petitioner.

The petitioner is a tenant under one Smt. Snehalata Das who is respondent No. 6. As there was violation of the terms of the tenancy the said respondent No. 6 through respondent No. 8 as the constituted attorney filed Title Suit No. 2/2020 for ejectment of the petitioner in the court of learned Munsiff at Kokrajhar. In the cause title of the suit, the name of late husband of the petitioner was shown as late Pradip Paul instead of Late Bidya Paul which was subsequently corrected vide an order passed by the learned court below. During the pendency of the suit an FIR was lodged on 28.12.2020 by the landlady stating that the petitioner without paying any rent of the tenanted premises locked it without any information to the respondents and the whereabouts of the petitioner was not known to the respondent Nos. 6 and 8. On the basis of the said FIR Kokrajhar P.S. Case No. 790/2020 under Sections 406/420/506 IPC was registered. The said case was charge sheeted in GR Case No. 1332/2020 and sent it for trial and the learned court of CJM, Kokrajhar took up for trial. On 05.02.2021, summons was issued for appearance of the petitioner fixing 01.04.2021 for appearance/ copy. In the meantime, the petitioner was dispossessed on 11.02.2021 from the tenanted premises at the instance of police officials of Kokrajhar Police Station with due assistance from the District Administration. As apparent from the order dated 09.02.2021 one Sri Ratul Phukan, ACS, Circle Officer & Executive Magistrate, Kokrajhar was directed to be present at the tenanted premises as per the direction of the Additional Deputy Commissioner, Kokrajhar on 10.02.2021. Upon completion of the alleged dispossession of the petitioner T.S. No. 2/2020 was withdrawn. Being aggrieved by the said action of dispossession admittedly in a dispute of civil nature, the petitioner has filed this writ petition seeking for appropriate direction to the respondents.

Let notice be issued. Ms. D. D. Barman, the learned Additional Senior Government Advocate, Assam accepts notice on behalf of the respondent Nos. 1, 2, 3, 4 and 5. The petitioner shall take steps on the private respondent Nos. 6, 7 and 8 within a period of three

days from today by way of registered post with A/D. The petitioner is also granted the liberty to take steps by way of dasti service on the private respondent Nos. 6, 7 and 8 after routing the same through the Registry within a period of three days from today.

Notice is made returnable after four weeks.

Till the next returnable date, the respondent Nos. 6, 7 and 8 are directed not to create any third party right over the tenanted premises which was the subject matter of Title Suit No. 2/2020 in the court of learned Munsiff at Kokrajhar.

JUDGE

Comparing Assistant