

GAHC010131632025



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

Case No. : CRP(IO)/220/2025

KANTI DEVI AND 2 ORS.
W/O LAXMAN KOHAR, CHABUA COLLEGE ROAD, CHABUA, DIST-
DIBRUGARH, ASSAM

2: BISWAJIT GHOSH
S/O LATE AJIT GHOSH
A.T. ROAD
CHABUA
DIST- DIBRUGARH
ASSAM
PIN-786184

3: SHYAMA DEVI AGARWAL
W/O LATE SURESH AGARWAL
A.T. ROAD
CHABUA
DIST- DIBRUGARH
ASSAM
PIN-78618

VERSUS

CHABUA TOWN COMMITTEE AND 5 ORS.
REPRESENTED BY ITS EXECUTIVE OFFICER, OFFICE OF THE CHABUA
TOWN COMMITTEE, N.H. 37, CHABUA, DIST- DIBRUGARH, ASSAM, PIN-
786184

2.1: SMTI. AROTI ROY
W/O LATE ANIL KUMAR ROY
CHABUA TOWN DAILY MARKET
CHABUA
P.O. AND P.S.- CHABUA
MOUZA- CHABUA TOWN
DIST- DIBRUGARH

2.2:ARUN ROY
S/O LATE ANIL KUMAR ROY
CHABUA TOWN DAILY MARKET
CHABUA
P.O. AND P.S.- CHABUA
MOUZA- CHABUA TOWN
DIST- DIBRUGARH

2.3:AJIT ROY
S/O LATE ANIL KUMAR ROY
CHABUA TOWN DAILY MARKET
CHABUA
P.O. AND P.S.- CHABUA
MOUZA- CHABUA TOWN
DIST- DIBRUGARH

2.4:ASHIT ROY
S/O LATE ANIL KUMAR ROY
CHABUA TOWN DAILY MARKET
CHABUA
P.O. AND P.S.- CHABUA
MOUZA- CHABUA TOWN
DIST- DIBRUGARH

2.5:SMTI. ARPONA ROY
D/O LATE ANIL KUMAR ROY
CHABUA TOWN DAILY MARKET
CHABUA
P.O. AND P.S.- CHABUA
MOUZA- CHABUA TOWN
DIST- DIBRUGARH

3:ARUN KUMAR ROY
S/O LATE ANIL KUMAR ROY
D
WARD NO. 9
P.O. AND P.S.- CHABUA
DIST- DIBRUGARH

4:RAJENDRA PRASAD SHAH
S/O LATE FIRANGI SHAH
DAILY BAZAR
CHABUA
P.O. AND P.S.- CHABUA
DIST- DIBRUGARH

5:MD. HANIF

S/O ABDUL AHMED
DAILY BAZAR
CHABUA
P.O. AND P.S.- CHABUA
DIST- DIBRUGARH

6:RAHAMUDDIN ANSSARI
S/O LATE BUDHALI ANSARI
DAILY BAZAR
CHABUA
P.O. AND P.S.- CHABUA
DIST- DIBRUGAR

For the petitioner (s) : Mr. S. Chamaria, Advocate

For the respondent (s) : Mr. A. K. Gupta, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

16.06.2025

Issue notice making it returnable on 25.06.2025.

2. As Mr. A. K. Gupta, the learned counsel appears on behalf of the respondent Nos.2 to 6 and accepts notice, extra copies of the instant petition be served upon him.
3. As regards the respondent No.1, the petitioners are directed to take steps by way of dasti routed through the Registry of this Court and file an affidavit of service on or before the next date.
4. The petitioners herein are aggrieved vide the order dated

27.05.2025 passed by the learned Court of the Civil Judge (Senior Division), Dibrugarh in Title Execution Case No.02/2017 wherein there is a direction being issued to the Civil Nazir to execute the decree passed by the said Court and if required to evict the shop premises and to hand over the same to the decree holder. It has been further directed that the decree holder shall render all the necessary assistance to the Officer-in-Charge of Chabua Police Station to be implemented in full force.

5. Mr. S. Chamaria, the learned counsel appearing on behalf of the petitioners submitted that without a proper adjudication, the order has been passed which would affect the rights of the petitioners who are in occupation of the shop premises.

6. Taking into account the above, this Court is of the opinion that the matter requires some consideration.

7. Accordingly, till the next date, the further proceedings of Title Execution Case No.02/2017 pending before the learned Court of the Civil Judge (Senior Division), Dibrugarh shall remain stayed.

8. List accordingly.

JUDGE

Comparing Assistant