

GAHC010173542024



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

Case No. : WP(C)/4369/2024

PRABIN DAS
S/O- MADHAB DAS, R/O- WARD NO. 4, KOKRAJHAR, ASSAM, PIN- 783370.

VERSUS

BHARAT PETROLEUM CORPORATION LIMITED AND 6 ORS
HAVING ITS TERRITORIAL OFFICE AT 1ST FLOOR, NEXIA PARK, GMCH
ROAD, CHRISTIAN BASTI, GUWAHATI-781005, KAMRUP(M),
REPRESENTED BY ITS HEAD OF TERRITORY OFFICE (T. M. RETAIL).

2:THE HEAD OF TERRITORY OFFICE (T.M. RETAIL)

TERRITORY OFFICE
BHARAT PETROLEUM CORPORATION LIMITED
1ST FLOOR
NEXIA PARK
GMCH ROAD
CHRISTIAN BASTI
GUWAHATI-781005
KAMRUP(M).

3:OLSEN KUMAR KISHU
THROUGH HEAD OF TERRITORY OFFICE
(T.M. RETAIL)
BHARAT PETROLEUM CORPORATION LIMITED
TERRITORY OFFICE
1ST FLOOR
NEXIA PARK
GMCH ROAD
CHRISTIAN BASTI
GUWAHATI-781005
KAMRUP(M)

Advocate for the Petitioner : MR. A LAL, MR A BRAHMA,M K DEB

Advocate for the Respondent : SC, BPCL, MR. S S ROY (R-1,2)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.11.2024

Heard Mr. K. Deb, learned counsel for the petitioner. Also heard Mr. S. Barthakur, learned counsel for the respondent Nos. 1 and 2.

The learned counsel for the respondents submits that an affidavit is required as the question involving is an illegal issue and there is no dispute on the facts. However, he prays before the Court to rely on the relevant records in the matter.

Mr. S Barthakur has also pressed into service an order passed by the Apex Court in *Gajara Bishnu Gosavi v. Prakash Nanasahe*, reported in 2009 (10) SCC 654, to support his argument. He asserts that an appropriate procedure for identifying the share of the person who has offered their land to the respondent—part of a contiguous landholding owned by other co-owners—should include determining the specific share of the petitioner, which has not been previously identified.

Let the matter be listed again after two weeks.

Interim order passed earlier will be continued till the next date fixed.

JUDGE

Comparing Assistant