

GAHC010268862025



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

Case : WP(C)/4477/2024

SUMAN CHETIA AND 3 ORS
SON OF LATE DILIPESWAR BORA

RESIDENT OF KHARGHULI
GUWAHATI-04.

2: RUPOM CHETIA BORA
SON OF LATE DILIPESWAR BORA

RESIDENT OF AJANTA PATH
BELTOLA

GUWAHATI-06.

3: PRITI BORA
WIFE OF LATE DILIPESWAR BORA

RESIDENT OF KHARGHULI
GUWAHATI-04.

4: MOUSAM CHETIA BORA
DAUGHTER OF LATE DILIPESWAR BORA

RESIDENT OF BAGHORBARI
GUWAHATI.
VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY

HOME AND POLITICAL AFFAIRS DEPARTMENT

GOVERNMENT OF ASSAM

DISPUR
GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
JORHAT
ASSAM.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI.

4:THE SUPERINTENDENT OF POLICE
JORHAT
ASSAM.

5:THE OFFICER-IN-CHARGE
LICHUBARI POLICE STATION
JORHAT
ASSAM.

6:KAILASH BORTHAKRU
SON OF LATE BIPIN CHANDRA BORTHAKUR

RESIDENT OF NA-ALI
BONGAL PUKHURI

P.O.- JORHAT
P.S. JORHAT
PIN- 785001.

7:JAMUNA MADHAB BORTHAKUR
SON OF LATE BIPIN CHANDRA BORTHAKUR

RESIDENT OF NA-ALI
BONGAL PUKHURI

P.O.- JORHAT
P.S. JORHAT
PIN- 785001.

Advocate for : MR. A GOYAL
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE

HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.02.2026

Heard Mr. M Dutta, learned counsel appearing for the petitioners; Mr. S.K. Goswami, learned counsel appearing for the private respondents No. 6 & 7 and Mr. N. Das, learned Government Advocate for the State.

2. The writ petition has been filed seeking a direction from the Court that the State respondents did not register the FIR which the petitioners lodged in respect of alleged offences which have been committed by the private respondents.

3. An interim order dated 03.09.2024 was passed while issuing notice in the matter and it was directed that till the returnable date the possession of the writ petitioner should be protected and the local police station more particularly the Officer In-charge, Lichubari Police Station will ensure that the possession of the petitioners are not disturbed. This interim order subsequently came to be extended. It is this interim order was passed *ex parte* against the private respondents and therefore, Interlocutory Application No. 4089/2025 was filed seeking vacation/modification/ alteration of the said interim order.

4. Today when the matter is called up, the learned counsel for the petitioners submits that during the pendency of the writ petition the Government Advocate submits that an affidavit has been filed by the state respondent on 17.02.2026 whereby it is stated that charge-sheet has been filed in connection with Jorhat P.S Case No. 365/2024 which was lodged by the writ petitioners. There is a clear averment in paragraph 3 of the said affidavit and that the case diary along with relevant documents have been sent to the Court through PI office as per the available records.

5. Under such circumstances, it appears to the Court that the primary

grievance of the writ petitioners that the State respondent have not taken any action in protecting the possession of the writ petitioner has been redressed. The state respondents have duly registered the case, investigated and filed the charge-sheet which matter is pending before the writ Court.

6. Under such circumstances, there is no further cause to urge in the present writ petition. Accordingly, the same stands dismissed as infructuous.

7. It is submitted by the learned counsel for private respondents that there is an injunction order dated 18.09.2025 passed in Misc (J) Case No. 139/2024 by the Civil Judge, Sr. Division, Jorhat against the private respondents which is still subsisting.

8. Under such circumstances, since there is already a title suit pending between the parties, any further grievances by the writ petitioners may be redressed by the competent Civil Court.

9. With the above observations, the writ petition stand disposed of.

JUDGE

Comparing Assistant