

GAHC010268862025



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

Case No. : I.A.(Civil)/4089/2025

SRI KAILASH BORTHAKUR
S/O- LATE BIPIN CHANDRA BORTHAKUR, R/O- VILLAGE- NA-ALI,
BONGAL PUKHURI, P.O. AND P.S.- JORHAT, DISTRICT- JORHAT, ASSAM

2: JAMUNA MADHAB BORTHAKUR

S/O LATE BIPIN CHANDRA BORTHAKUR
R/O NA-ALI
BONGAL PUKHURI
P.O. P.S.- JORHAT
DISTRICT- JORHAT
ASSA

VERSUS

THE STATE OF ASSAM
, REPRESENTED BY THE COMMISSIONER AND SECRETARY, HOME AND
POLITICAL AFFAIRS DEPARTMENT, GOVERNMENT OF ASSAM, DISPUR,
GUWAHATI-06

2:THE DISTRICT COMMISSIONER
JORHAT
ASSAM ATILAGAON
A.T ROAD
GUWAHATI
JORHAT ASSAM 785001

3:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI
ASSAM.

4:THE SUPERINTENDENT OF POLICE
JORHAT

ASSAM.

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

6:SRI SUMAN CHETIA

SON OF LATE DILIPESWAR BORA
RESIDENT OF KHARGHULI
GUWAHATI-04..

7:SRI RUPOM CHETIA BORA
AGED ABOUT 47 YEARS
SON OF LATE DILIPESWAR BORA
RESIDENT OF AJANTA PATH
BELTOLA
GUWAHATI-06

8:SMT PRITI BORA
W/O LATE DILIPESWAR BORA
R/O KHARGHULI
GUWAHATI-04

9:SMT MOUSAM CHETIA BORA

AGED ABOUT 43 YEARS D/O LATE DILIPESWAR BORA
R/O BAGHORBARI
GUWAHATI

Advocate for the Petitioner : MR. S K GOSWAMI, MR. R SHARMA

Advocate for the Respondent : GA, ASSAM, MR. AMIT GOYAL

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09.01.2026

Heard Mr. SK Goswami, learned counsel for the applicants and Dr. AK Saraf,
learned Senior Counsel assisted by Mr. M Dutta, learned counsel for the opposite

parties.

The Interlocutory Application has been filed seeking vacation/modification/alteration of the order dated 03.09.2024 passed in WP(C) No.4477/2024. The applicants, namely, the respondents no. 6 & 7 in the writ petition submits that this is an application under Article 226(3) of the Constitution of India and therefore, by influx of time the interim order dated 03.09.2024 stood vacated on 19.12.2025 as the interim order was not extended on that day.

Dr. AK Saraf, learned Senior Counsel assisted by Mr. M Dutta, learned counsel for the learned counsel for the opposite parties/petitioners, on the other hand, strongly objects to the submission made by the learned counsel for the applicants and he submits that on 19.12.2025 when the matters were listed, it was on the consent of the parties that the matters were further directed to be listed on 07.01.2026. Therefore, when the parties have already agreed to list the matters on some other date, it cannot be accepted that the learned counsel for the applicants was unaware of the fact that this will have the effect of extension of the interim order.

Be that as it may, let these matters be listed again on 29.01.2026.

Learned counsel for the petitioners/opposite parties in the Interlocutory

Application will file their objections in the meantime.

The question of extension or otherwise of the interim order will be considered again on 29.01.2026.

Till the next date fixed, the interim order dated 03.09.2024 shall be continued, which, however, will not prejudice the claims raised by the applicants in the Interlocutory Application to be decided on the next date fixed.

JUDGE

Comparing Assistant