

IN THE COURT OF THE CIVIL JUDGE, DIBRUGARH**Present : Smti. Rashmita Das, Civil Judge, Dibrugarh.****Sri Pranjal Bhuyan -Vs- Sri Porag Lahon**

DATE	ORDER	SIGNATURE	REMARKS
21.09.2020	<p>Seen petition No.1762/2020 filed by the petitioner u/s. 151 CPC praying for grant of injunction as prayed for in the case and to pass such order to preserve the suit property and right and interest of the suit property in respect of the suit property for the ends of justice.</p> <p>The said petition has been registered as a Misc.(J) Case.</p> <p>The written objection has already been filed by the Opp. Party.</p> <p>It is contended in the petition that in the month of August, 2011, the Opp. Party negotiated with the petitioner to sell his landed property measuring 1B- 2K-10Ls. covered by Dag No.320 and 1B-2K-10Ls. covered by Dag No.316 i.e. 3B-0K-0L in total as described in schedule of the suit.</p> <p>The value of the landed property was fixed at Rs. 3,00,000/- and accordingly on 30.09.2011 an agreement for sale was prepared by Opp. Party and the both the parties entered into an agreement for sale and as a token of advance an amount of Rs.2,50,000/- was paid to the Opp. Party by the petitioner on condition to execute the Sale Deed after obtaining the land sale permission from the concerned authority.</p> <p style="text-align: right;">Contd...</p>		

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The Opp. Party started neglecting to execute the formal sale Deed in favour of the petitioner and the petitioner was always ready for payment for of the balance amount of Rs.50,000/- to the Opp. Party. On 27.06.2019 the petitioner served the legal notice to the Opp. Party asking him to execute the registered Sale Deed which was duly received by the Opp. Party. It is contended in the petition that "Now a part of the suit land has been acquired by the Government for construction of building premises of Sri Sri Anirudhadev Sports University" and Opp. Party has been processing to get entire benefit against the acquisition of the land by the Government. Hence, for the ends of justice it has become necessary to grant an injunction as prayed for.

Learned Advocate for the petitioner has drawn the attention of this Court to the applications of the petitioner dated 27.09.2019 addressing to the Deputy Commissioner, Dibrugarh, Addl. Deputy Commissioner, Dibrugarh and the Circle Officer, Chabua Revenue Circle, Dibrugarh. Today the plaintiff/petitioner has also filed a new set of documents i.e. applications dated 17.09.2020 addressing Deputy Commissioner, Dibrugarh, Addl Deputy Commissioner, (Revenue), the Addl. Deputy Commissioner, (L.A.) and Circle Officer, Chabua Revenue Circle. Learned Advocate for the petitioner has submitted that

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on 12.09.2020 the petitioner has come to know that a part of the suit land is acquired by the Government for construction of premises of Sri Sri Anirudhadev Sports University. He has also submitted that prior to 12.09.2020 the petitioner has got no knowledge regarding the land acquisition of the suit property by the Government and now as the Compensation of the said acquisitioned land may be given only to the Opp. Party, the petitioner may face irreparable loss and hence, the matter has become urgent for grant of temporary injunction to preserve the suit property and right and interest of the petitioner in respect of the suit property.

Heard learned Advocate appearing for the Opp. Party through video conferencing. He has denied the execution of agreement for sale, payment of any amount of money by the petitioner to the Opp. Party.

I have perused the documents filed by the petitioner along with the petition No.1762/2020. After going through the applications dated 27.09.2019 filed by the petitioner to the Deputy Commissioner, Addl. Deputy Commissioner and Circle Officer, Chabua Revenue Circle wherein it is specifically mentioned that the petitioner has come to know that the land is going to be acquired by the

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Government for construction of Sri Sri Anirudhadev Sports University which means the petitioner has got prior knowledge i.e. on 27.09.2019 regarding the said land acquisition by the Government. Now, the petitioner has filed another set of applications dated 17.09.2020 addressed to the Deputy Commissioner, Addl. Deputy Commissioner, Revenue, Addl. Deputy Commissioner (L.A.) and Circle Officer, Chabua Revenue Circle, District, Dibrugarh wherein it is categorically mentioned that only on 12.09.2020 the petitioner has come to know that the land in question is acquired by the Government for construction of Sri Sri Anirudhadev Sports University which reflects that the petitioner has got knowledge on 27.09.2019 that the land will be acquired by the Government but the Government has not yet been made party to the suit, no required steps were taken by the petitioner regarding development in connection with the land acquisition and now after getting enough time for taking appropriate steps in respect of acquisition of the suit land by the Government, without taking any steps filed the instant petition u/s.151 CPC. The petitioner has not stated anything as to when the part of the suit land was acquired by the Government. The only documents regarding land acquisition filed by the petitioner is the applications dated

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27.09.2019 and 17.09.2020 which are contradictory to each other. Hence, in my considered view, I am not inclined to allow the petition No.1762/2020 at this stage and hence, the same stands rejected. However, the main injunction petition will be heard and disposed of in due course.

The instant Misc.(J) case is disposed of on contest.

**Civil Judge,
Dibrugarh**