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

Case No. : CRP(IO)/609/2026

M/S A. K. DAS CONSTRUCTION AND SUPPLIER
A PROPRIETORSHIPCONCERN, REPRESENTED BY ITS PROPRIETOR SRI ANIRBAN DAS, SON OF LATE AMARENDRA KUMAR DAS, AGED ABOUT 52 YEARS, RESIDENT OF LALGANESH, ODALBAKRA, S.K. DUTTA PATH, NEAR HAYATT HOSPITAL, P.S. LALGANESH, GUWAHATI 781034, DISTRICT KAMRUP METRO, ASSAM.

VERSUS

THE GAUHATI MUNICIPAL CORPORATION AND 2 ORS
REPRESENTED BY ITS COMMISSIONER, POURA SEWA BHAWAN, BETKUCHI, GUWAHATI 781035, DISTRICT KAMRUP METRO, ASSAM.

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
POURA SEWA BHAWAN
BETKUCHI
GUWAHATI 781035.

3:THE ASSOCIATE PLANNER
PLANNING BRANCH
GUWAHATI MUNICIPAL CORPORATION
POURASEWA BHAWAN
BETKUCHI
GUWAHATI 781035

Advocate for the Petitioner : MR. B D DEKA, MR A DEKA,MR A BHATRA,N CHAUDHURY,MR. M DAS

Advocate for the Respondent : SC, GMC,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

27.11.2026

Heard Mr. B.D. Deka, the learned counsel appearing for the petitioner. Also heard Mr. S. Bora, the learned Standing Counsel, GMC representing all the respondents.

2. This is an application under Article 227 of the Constitution of India challenging the order dated 13.11.2026 passed by the learned Civil Judge (Sr. Divn.) No.2, Kamrup(M) at Guwahati in Misc. (J) Case No.1422/2026 arising out of Title Suit No.249/2023.

3. The petitioner is the plaintiff in the said suit. He was earlier granted an injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure (CPC). Subsequently, for default in appearance, the said suit was dismissed for default. The petitioner filed an application under Order IX Rule 9 of the CPC for restoration of the said suit. That application is still pending.

4. In the meantime, the respondents allegedly tried to demolish the suit premises of the petitioner. Therefore, the petitioner filed an application under Section 151 of the CPC praying for protection from demolitions. That application was rejected by the court below.

5. Regarding power of the court in such circumstance, Mr. Deka has relied upon a judgment of this Court that was delivered in *Reboti Ray vs. Sashi Kanta Budhia @ Agarwal*, reported in *(2006) 3 GLR 42*.

6. This Court has held that under appropriate situation, Court has the power under

Section 151 of the CPC to interfere in such circumstance.

7. I have considered the submissions made by the learned counsel for both sides.

8. This Court is of the opinion that the petitioner should be given some protection, as prayed for. Therefore, it is hereby directed that till disposal of the Petition No.1971/2026, praying for restoration of the suit, no coercive action shall be taken against the present petitioner by the respondents.

With the aforesaid direction, the present petition is disposed of.

JUDGE

Comparing Assistant