GAHC030006352026

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

Case No. : I.A.(Civil)/163/2026

Union of India and 3 Ors.
Through the Home Secretary, North Block, New Delhi - 110001

VERSUS

Sh. Debabrata Das
S/o Sh Birendra Kumar Das, Resident of Ward No. 5 Kmeswar, Tangibari, North Tripura - 799 253 Currently at Sector Headzuarters, BSF, Aizawl, Mizoram - 796025

Advocate for the Petitioner : Ms Zairemsangpuii

Advocate for the Respondent :

Linked Case : WP(C)/80/2026

Sh. Debabrata Das
S/o Sh. Birendra Kumar Das
Resident of Ward No - 5
Kameswar
Tangibari
North Tripura - 799253. Currently at - Sector Headquarters
BSF
Aizawl
Mizoran

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North Block
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2:Inspector General Mizoram and Cachar Frontier
BSF
Masimpur
Silchar
Assam

3:Deputy Inspector General

Sector Headquarter
BSF
Aizawl
Mizoram

4:Commandant
191 BN
BSF
Aizawl
Mizoram

Advocate for the Petitioner : Ms. Lalrinawmi Chhakchhuak
Advocate for the Respondent : Ms Zairemsangpuii
CGC for R 1-4

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

JUDGEMENT

Date : 17.09.2026

Heard Ms. Zairemsangpuii, learned CGC for the applicant and Ms. L. Chhakchhuak, learned counsel for the respondent.

2. It is noticed that this interlocutory application is filed under Order XXXIX, Rule 4 read with Section 151 of the CPC for vacating the interim order dated 29.06.2026, passed in the connected WP(C) No. 80/2026.

3. In this regard, the Court is of the considered opinion that the nature

of orders passed in a writ petition cannot be equated to an injunction order passed under Order XXXIX Rules 1 and 2 of the CPC.

4. Therefore, the learned CGC prays for and is permitted to withdraw this interlocutory application with liberty to file an appropriate interlocutory application.

5. Accordingly, this interlocutory application stands closed with liberty as prayed for.

JUDGE

Comparing Assistant