

GAHC010010082023



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

Case No. : WP(C)/291/2023

RITA PAUL BANIK
W/O- GOPINATH PAUL, VILL- RANGABAK PART-II, P.O- KATLICHERRA,
DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM, WOMEN
AND CHILD DEVELOPMENT DEPTT, DISPUR, GHY- 06

2:THE DIRECTOR
WOMEN AND CHILD DEVELOPMENT DEPTT
ASSAM
UZANBAZAR
GHY- 01

3:THE DISTRICT SOCIAL WELFARE OFFICER
HAILAKANDI
ASSAM
PIN- 788151

4:THE CHILD DEVELOPMENT PROJECT OFFICER
KATLICHERRA ICDS PROJECT
KATLICHERRA
HAILAKANDI
PIN- 788161

5:PANCHAMI SUTRADHAR
W/O- SAPAN SUTRADHAR
VILL- RANGABAK PART-II
P.O- KATLICHERRA
P.O AND P.S- KATLICHERRA

DIST- HAILAKANDI
ASSAM
PIN- 788161

6:AKASHI NATH
W/O- NIRMOLENDU NATH
VILL- RANGABAK PART-II
P.O- KATLICHERRA
DIST- HAILAKANDI
ASSAM
PIN- 788161

7:BITHI SINGHA
D/O- PARESH SINGHA
VILL- RONGPUR PART-III
P.O- KATLICHERRA
DIST- HAILAKANDI
ASSAM
PIN- 788161

8:ARPITA KARMAKAR
D/O- AMAR KARMAKAR
VILL- RANGBAK PART-II
P.O- KATLICHERRA
DIST- HAILAKANDI
ASSAM
PIN- 78816

Advocate for the Petitioner : MR. A H M R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 18.06.2024

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the case records.

On a perusal of the office note dated 15.06.2024 reveals that notice was issued to the

respondent No. 7 by registered post with A/D on 18.09.2023.

Now, in regard to the aforesaid notice, it appears that the A/D card has been received back. Next, on a perusal of the said A/D card reveals that the A/D card has been signed a person, namely, "**Sukamal Singh**" on behalf of the respondent No. 7. It is however not known as to how the recipient is related to the respondent No. 7.

In this context, the Hon'ble Privy Council in the case of **Harihar Banerji v. Ramsashi Roy, 1918 SCC OnLine PC 58** held that *where a notice was sent by registered post properly addressed there is a strong presumption that the notice was properly delivered in the usual course and this is not rebutted by the fact that the acknowledgment is signed by a person other than the addressee*. In the present case, it appears from the A/D card and the office copy of the registered notice that the registered notice was properly addressed to the respondent No. 7. Thus, **in the present case, even though the A/D card was signed by a person other than the addressee, the notice will be presumed to be served on the said respondent (respondent No. 7).**

In view of the above, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant