

GAHC010012092025



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

Case No. : WP(C)/344/2025

KASHIM ALI @ KASHEM ALI
S/O LATE KOSIR UDDIN SK., RESIDENT OF MADHUSOULMARI, PO
KHUDIMARI, PS GAURIPUR, DIST DHUBRI ASSAM 783331

2: HAMIDUR RAHMAN @ HAMEDUR RAHMAN
S/O LATE NUR JAMAL SK
RESIDENT OF MADHUSOULMARI
PO KHUDIMARI
PS GAURIPUR
DIST DHUBRI ASSAM 783331

3: SHAHA ALAM PRODHANAI @ SHAHA ALAM
S/O KASHIM ALI @ KASHEM ALI
RESIDENT OF MADHUSOULMARI
PO KHUDIMARI
PS GAURIPUR
DIST DHUBRI ASSAM 78333

VERSUS

THE STATE OF ASSAM AND 11 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR GUWAHATI 06

2: HE DISTRICT COMMISSIONER
DHUBRI
P.O. AND P.S. AND DIST- DHUBRI
ASSAM
PIN-783301

3: THE SETTLEMENT OFFICER
DHUBRI
P.O. AND P.S.-DHURBI
DIST-DHUBRI

ASSAM PIN-783301

4:THE ASSISTANT SETTLEMENT OFFICER
GOLAKGANJ REVENUE CIRCLE
P.O. AND P.S.- GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN-783331

5:THE CIRCLE OFFICER
GAURIPUR REVENUE CIRCLE
DHUBRI
P.O. AND P.S.- DHUBRI
DIST-DHUBRI
ASSAM
PIN-783301

6:THE ASSAM BOARD OF REVENUE
REPRESENTED BY ITS SECRETARY
PANBAZAR
GUWAHATI-01

7:PRABIR COOMAR BARUA
S/O LT. PRAKRITISH CHANDRA BARUA
R/O GAURIPUR TOWN
WARD NO. 2
MATIABAGH
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

8:PRADYUT BARUA
S/O LT. PRAKRITISH CHANDRA BARUA
R/O GAURIPUR TOWN
WARD NO. 2
MATIABAGH
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

9:PRITAM COOMAR BARUA
S/O LT. PRAKRITISH CHANDRA BARUA
R/O BYE LANE NO. 2
LAKHIMI NAGAR
JORHAT WEST
JORHAT RESEARCH LABORATORY

ASSAM
DIST-JORHAT
ASSAM
PIN-785006

10:SMTI PARBATI BARUA
D/O LT. PRAKRITISH CHANDRA BARUA
R/O HOUSE NO. 28
BYE LANE NO. 6
WEST PUB SARANIA
P.O.-SILPUKHURI
GUWAHATI
DIST-KAMRUP (M)
ASSAM
PIN-781003

11:SMTI PRANATI PHOOKAN @ PRANATI BARUA
D/O LT. PRAKRITISH CHANDRA BARUA
W/O LT. DOUGLAS ARTHUR PHOOKAN
R/O HOUSE NO. 28
BYE LANE NO. 6
WEST PUB SARANIA
P.O.-SILPUKHURI
GUWAHATI
DIST-KAMRUP (M)
ASSAM
PIN-781003

12:BINA BARUA
W/O PRAKRITISH CHANDRA BARUA
R/O GAURIPUR TOWN
WARD NO. 2
MATIABAGH
P.O. AND P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. M HUSSAIN, MR A.K. MOLLAH,MD. A. RASHID

Advocate for the Respondent : SC, REVENUE, GA, ASSAM

**BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH**

ORDER

Date : 06.03.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perusal of the office note dated 04.03.2025 reveals that notice was issued to the respondent Nos. 7, 8, 9, 10, 11 & 12 by registered post with A/D on 01.02.2025.

Now, in regard to the aforesaid notice issued to the respondent Nos. 7, 8, 9, 10, 11 & 12 the following facts have been observed, which are as follows:–

Respondent Nos. 10 & 11:– In this regard, it appears that the A/D cards of the said respondents have been received bearing the purported signatures of the respondents. As such, it may be said that **service in respect of the respondent Nos. 10 & 11 has been completed.**

Respondent Nos. 8 & 12:– In this regard, it appears that the A/D cards of the respondent Nos. 8 & 12 have been received bearing signatures of persons other than the addressees. It is however not known as to how the recipients are related to the respondent Nos. 8 & 12.

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.* 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 respondents (respondent Nos. 8 & 12).**

Respondent Nos. 7 & 9:– In this regard, it appears that neither the A/D cards nor the un-served notices have been received by the concerned section till date. Nevertheless, it

appears that the postal track consignment reports regarding the notice issued to the respondents mentioned above is available with the case record and it shows that notice in respect of the respondent Nos. 7 & 9 has been delivered to the addressees on 08.02.2025 & 11.02.2025 respectively. As such, it may be said that **service in respect of the said respondents (i.e., respondent Nos. 7 & 9) has been completed.**

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

Joint Registrar (Judicial)

Comparing Assistant