

GAHC010014932025



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

Case No. : WP(C)/373/2025

GOBINDA CHANDRA PAUL
D/O BRINDABAN CHANDRA PAUL R/O VILL-PAIKAN P.O.-PAIKAN P.S AND
DIST.-HAILAKANDI, ASSAM, PIN 784155

VERSUS

THE STATE OF ASSAM AND 28 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS (ROADS) DEPARTMAENT
(PWRD) , DISPUR, GUWAHATI, 7810061

2:THE SECRETARY

DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC ASSAM
OFFICE OF THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.
ASSAM RUPNAGAR
GUWAHATI-32

4:THE CHIEF ENGINEER

PWD(EAP)
PWRD
ASSAM
OFFICE OF THE CHIEF ENGINEER
PWD(EAP)
FATASIL AMBARI
GUWAHATI

781025

5:THE DISTRICT COMMISSIONER
HAILAKANDI
OFFICE OF THE DISTRICT COMMISSIONER
HAILAKANDI
788155.

6:THE CHAIRMAN
DISTRICT LEVEL LAND PURCHASE COMMITTEE (DLLPC)
HAILAKANDI
788155.

7:THE ADDITIONAL DISTRICT COMMISSIONER
HAILAKANDI
IN-CHARGE
LAND ACQUISITION BRANCH

OFFICE OF THE DISTRICT COMMISSIONER
HAILAKANDI
788155.

8:JALAL UDDIN CHOUDHURY
S/O- LATE ABDUL MAZID CHOUDHURY
VILL- RANGAUTI PT-I
P.O.- PAIKAN
P.S. AND DIST.- HAILAKANDI.

9:RANJIT DAS
S/O- LATE HIRENDRA DAS

VILL. AND P.O.- PAIKAN
P.S. AND DIST.- HAILAKANDI.

10:RADHA MONI DAS
W/O- LATE HIRENDRA DAS

VILL. AND P.O.- PAIKAN
P.S. AND DIST.- HAILAKANDI.

11:DHONI RAM DAS
S/O- GOGEN RAM DAS

VILL. AND P.O.- PAIKAN

P.S. AND DIST.- HAILAKANDI.

12:SUNIL DEB
S/O- LATE ABHOY CHARAN DEB

VILL. AND P.O.- PAIKAN

P.S. AND DIST.- HAILAKANDI
788155.

13:KANTA DEB
S/O- ABHOY CHARAN DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

14:SAMARJIT DAS
S/O- LATE KUTI RAM DAS

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

15:PRADIP SABDAKAR
S/O- LATE HARINDRA SABDAKAR

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

16:KUNTAK BISWAS @ TOGAR
S/O- LATE KUMUD BISWAS

VILL. AND P.O.- LALAMUKH TEA GARDEN

P.S.- LALA
DIST.- HAILAKANDI.

17:AROBINDA BISWAS @ MANIK BISWAS
S/O- LATE KUMUD BISWAS

VILL. AND P.O.- LALAMUKH TEA GARDEN

P.S.- LALA

DIST.- HAILAKANDI.

18:JAYA NOMOSUDRA
W/O- SRI JAYANTA NAMASUDRA

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

19:BIJAY BUSHAN CHAKRABORTY
S/O- LATE BIRENDRA KUMAR CHAKRABORTY

R/O- HAILAKANDI TOWN
W/NO.-VIII

P.O.
P.S. AND DIST.- HAILAKANDI.

20:BIPUL BUSHAN CHAKRABORTY
S/O- LATE BIRENDRA KUMAR CHAKRABORTY

R/O- HAILAKANDI TOWN
W/NO.-VIII

P.O.
P.S. AND DIST.- HAILAKANDI.

21:DIPIKA BHATTACHARJEE
W/O- PROBIR BHATTACHARJEE

R/O- HAILAKANDI TOWN W/NO. VIII

P.O.- LAKSHMISAHAR

P.S. AND DIST.- HAILAKANDI.

22:HIROK JYOTI CHAKRABORTY
S/O- LATE HIRENDRA CHAKRABORTY

R/O- HAILAKANDI TOWN W/NO. VIII

P.O.
P.S. AND DIST.- HAILAKANDI.

23:JOY DEB
S/O- LATE BABULAL DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

24:BIKTU DEB
S/O- LATE BABULAL DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

25:RUMON DEB
S/O- LATE BABULAL DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

26:UMON DEB
S/O- LATE BABULAL DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

27:DIPIKA DEB
S/O- LATE BABULAL DEB

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

28:PALTU DAS
S/O- LATE SURENDRA DAS

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
788155.

29:SWAPAN DAS
S/O- LATE SUBODH DAS

VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, M ALI,MR N Z CHOUDHURY,MR N A MAZARBHUIYA

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

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 21.04.2026

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

A careful perusal of the instant case record reveals that the matter was earlier listed before the Lawazima Court on 17.10.2025 and vide the order passed on that day, the Lawazuma court was pleased to direct the petitioner to take fresh steps for service of notice upon the respondent Nos. 7 to 14, 16, 17, 23 to 26, 28 & 29.

In compliance to the above direction of the Lawazima Court, it appears that the petitioner has taken fresh steps for service of notice upon the said respondents by way of speed post with A/D, which was issued on 30.01.2026.

Now, in regard to the aforesaid notice issued to the respondents, it has been observed as follows:—

*(i) In respect of the notice issued to the respondent Nos. 7, 11, 23 & 25, it appears that the A/D cards have been received and the same have been tagged with the case record at **Flag-'AD' in the Part-III file.** Now, a perusal of the said A/D cards reveals the following:—*

*Respondent Nos. 7 & 23:— The A/D cards have been received bearing the purported signatures of the respective respondents. As such, it may be said that **service of notice***

upon the respondent Nos. 7 & 23 has been completed.

Respondent Nos. 11 & 25:– The A/D card of respondent No. 11 bears the full signature of a person, namely, "Khana Rani Das", while the A/D card of respondent No. 25 bears the full signature of the respondent No. 23 (i.e., "Joy Deb").

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 cards and the office copy of the registered notice that the registered notice was properly addressed to the respondent Nos. 11 and 25. Thus, **in the present case, even though the A/D cards were signed by a person other than the respondent themselves, the notice will be presumed to be served on the said respondents (respondent Nos. 11 and 25).**

(ii) Further, in respect of the notice issued to the respondent Nos. 9 to 13, 16, 17, 24, 26, 28 & 29, it appears that neither the A/D cards nor any un-served notices have been received by the Registry, as per the averments in the office note dated 02.04.2026.

*However, it appears that the postal track consignment reports regarding the above mentioned notice have been generated and annexed with the case record at **Flag-'TC' in Part-III file**. Now, a perusal of the said postal tracking reports reveals the following:–.*

Respondent Nos. 9, 10, 11, 12, 13, 16, 17, 23, 24, 26, 28, 29:– The respective notices were delivered to the said respondents on 10.02.2026.

*(iii) Furthermore, it appears that the notices issued to the respondent Nos. 8 & 14 have been received un-served with the following postal remark:– **"Add Expired, Return to sender"**.*

Considering the above, the petitioner may file appropriate application for substitution of legal heirs of the said respondents (i.e., respondent Nos. 8 & 14), if so, advised.

Apart from above, the previous Lawazima Court vide its order dated 17.10.2025 had also directed the petitioner to take necessary steps for obtaining instructions regarding the present addresses of respondent Nos. 15, 18, 19, 20, 21, 22 & 27.

However, no one from the petitioner's side has appeared before the Lawazima Court today to furnish necessary instructions regarding the addresses of the respondents mentioned above.

In view of the above, the petitioner is directed to take necessary steps for obtaining instructions regarding the present addresses of respondent Nos. 15, 18, 19, 20, 21, 22 & 27 and furnish the same before the next Lawazima Court.

Let the matter be listed before the Lawazima Court again on 06.05.2026.

Joint Registrar (Judicial)

Comparing Assistant