

GAHC010015552008



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

Case No. : WP(C)/5541/2008

SRI BIRAJ SUTRADHAR
S/O LT. PRABHAT CHANDRA SUTRADHAR, VILL- JYOTI UNDER BARPETA
MOUZA, DIST. BARPETA, ASSAM.

VERSUS

ON THE DEATH OF KULAJIT DAS, HIS LEGAL HEIRS SMT. DIPANNITA DAS
AND 2 ORS. REP.
S/O. BIDUR DAS, R/O. JANIA, BARPETA, ASSAM.

1:(b) MISS MINARVA DAS
D/O. LATE KULAJIT DAS
BEING MINOR REPRESENTED BY HER MOTHER SMT. DIPANNITA DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

1:(c) MISS HIYARVA DAS
D/O. LATE KULAJIT DAS
BEING MINOR REPRESENTED BY HER MOTHER SMT. DIPANNITA DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

1:(a) SMTI. DIPANNITA DAS
W/O. LATE KULAJIT DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

2:SRI BISWAJIT DAS

3:SRI SUJIT DAS

4:SRI HANSAJIT DAS
SL. NO.S 1 TO 4 ARE ALL ARE SONS OF BIDUR DAS R/O JANIA
BARPETA
ASSAM.

5:SRI BAMDEV MAJUMDER

S/O LT. AMBIKA CHARAN MAZUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BARPETA
ASSAM.

6:DEPUTY COMMISSIONER
BARPET

Advocate for the Petitioner : MS.R R SARMA, MR.B K KASHYAP,MR.R DUBEY,MS.R
DEKA,MRS.B DAS

Advocate for the Respondent : FOR CAVEATOR, MR.D DAS,MR S KHOUND,MS.A DAS,MR. N
GOSWAMI

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

21.11.2024

Heard Mr. R. Dubey, learned counsel for the petitioner. Also heard Mr. S.

Khound, learned counsel for the respondent nos. 1(a), 1 (b) & (c) , 2, 3 & 4.

Pursuant to the order passed in I.A. No.1501/2019 in WP(C) No.5541/2008, the writ petition i.e. WP(C) No.5541/2008 was restored which was dismissed for non-prosecution by this Court vide order dated 19.03.2019. By order dated 11.04.2023 passed in I.A. No.694/2024, the legal heirs of the late writ petitioner, Biraj Sutradhar, was substituted as during the pendency of the interlocutory application i.e. IA (C) No.1501/2019, the writ petitioner expired. Again I.A.(C) No.99/2021 was filed to substitute the respondent nos. 5 (a), 5 (b), 5(c), 5 (d) and 5 (e) in place of the respondent no. 5 who also died during the pendency of the interlocutory application i.e. IA (C) No.1501/2019 and vide order dated 09.06.2023 passed in I.A.(C) No.99/2021 the respondent nos. 5 (a), 5 (b), 5(c), 5 (d) and 5 (e) as mentioned in Paragraph-5 of the order dated 09.06.2023 passed in I.A.(C) No.99/2021 were substituted as legal heirs in place of the respondent no. 5. Since the legal heirs of the petitioner and the respondent no.5 have already been substituted, the petitioners shall take necessary steps by filing amended cause title before the Registry within in a period of 2 (two) weeks from today.

Since the original legal heirs of the respondent no.5 has been substituted, let notice be issued to the respondent nos. 5 (a), 5 (b), 5(c), 5 (d) and 5 (e) by

usual course as well as by registered post with A/D within a period of 7 (seven) working days from today. *Dasti* is also permitted.

Let the matter be listed after 6 (six) weeks.

JUDGE

Comparing Assistant