

GAHC010017782026



undefined

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

**Case No. : WP(C)/1118/2026**

HEM CHANDRA SARMA AND ANR  
SON OF LATE BRAJA NATH SARMA, RESIDENT OF HOUSE NO.263, MALAY  
NAGAR, PWD CHOWK, NEAR AEC CAMPUS, P.O AND P.S.- JALUKBARI,  
GUWAHATI-781013, DISTRICT- KAMRUP (M), ASSAM.

2: DIPANKAR SARMA  
SON OF SRI HEM CHANDRA  
SARMA  
RESIDENT OF HOUSE NO. 263  
MALAY NAGAR  
PWD CHOWK  
NEAR AEC CAMPUS  
P.O AND P.S.- JALUKBARI  
GUWAHATI- 781013  
DISTRICT-KAMRUP (M)  
ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS  
REPRESENTED BY SECRETARY, GOVT. OF INDIA, DEPARTMENT OF  
SOCIAL JUSTICE AND EMPOWERMENT, SHASTRI BHAWAN, C-WING, DR.  
RAJENDRA PRASAD ROAD, NEW DELHI- 110011.

2:THE STATE OF ASSAM  
REPRESENTED BY SECRETARY  
GOVERNMENT OF ASSAM  
DEPARTMENT OF SOCIAL WELFARE DISPUR  
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY /PRINCIPAL SECRETARY  
HEALTH SERVICES DEPARTMENT  
DISPUR  
GUWAHATI- 6.

4:THE JOINT DIRECTOR OF DEPARTMENT OF HEALTH SERVICES  
OFFICE OF THE JOINT DIRECTOR HEALTH SERVICES  
CHATPUKHURI  
UZANBAZAR  
GUWAHATI  
KAMRUP M.

5:ASSAM STATE LEGAL SERVICES AUTHORITY  
ADJACENT TO GAUHATI HIGH COURT NEW BUILDING  
GUWAHATI- 781001.

6:THE CHAIRMAN  
DISTRICT LEVEL COMMITTEE CUM JOINT DIRECTOR  
HEALTH SERVICES  
CHATPUKHURI  
UZANBAZAR, GUWAHATI-01  
KAMRUP (M), ASSAM.

7:PURABI SARMAH  
WIFE OF SHRI. DIPANKAR SARMA DAUGHTER OF SACHIN SARMAH  
RESIDENT OF PACHARIA  
BARHMONTOL  
NEAR KALI MANDIR  
P.O.- PACHARIA  
P.S.- HAJO, PIN- 781104  
DISTRICT- KAMRUP (M)  
ASSAM, PH. NO.- 9957977320

**Advocate for the Petitioner** : MR S P DAS, MR. ANGSHUMAN DEKA,MS C BORA,MS. S  
BAISHYA

**Advocate for the Respondent** : DY.S.G.I., SC, HEALTH AND F W,GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**27.02.2026**

Heard Shri S. P. Das, learned counsel for the petitioners.

The petitioner no. 1 is the father of the petitioner no. 2 and a writ petition was filed earlier for issuance of appropriate disability certificate *qua* the petitioner no. 2, who is suffering from incapacitation due to medical reasons. It

is the case of the petitioners that while a disability certificate has been issued, the application for issuance of a limited guardianship certificate has not been acted upon in spite of further reminders.

Let **notice** be issued, returnable on **01.04.2026**.

Shri S. S. Roy, learned CGC accepts notice on behalf of respondent no. 1; Shri N. Das, learned State Counsel accepts notice on behalf of respondent no. 2; Ms. S. Sarma, learned Standing Counsel, Health Department accepts notice on behalf of respondent nos. 3, 4 & 6 and Shri R. Chouhan, learned counsel appearing on behalf of Ms. R. S. Choudhury, learned Standing Counsel, ASLSA accepts notice on behalf of respondent no. 5.

Extra copies of the writ petition be served upon them within 2 (two) days.

Steps be taken for service of notice upon the respondent no. 7 by speed post with A/D within 2 (two) working days.

Shri Das, the learned counsel for the petitioner prays for an interim order.

Shri Das, the learned counsel has contended that in the meantime, a divorce proceeding has been initiated by the respondent no. 7 and in absence of a guardianship certificate, immense prejudice would be suffered by the petitioner no. 2 to contest the said proceeding.

Considering the facts and circumstances and by balancing the equalities, it is provided that till the returnable date, further proceedings in FC (C) 171/2025 pending in the Court of the learned Family Court, Kamrup No. 2 shall remain suspended. It is also provided that pendency of this writ petition shall not be bar for consideration of the representation for limited Guardianship Certificate in accordance with law.

**JUDGE**

**Comparing Assistant**