

GAHC010031302021



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

Case No. : WP(C)/1332/2021

ANITA GHOSH
W/O- BIRAJ GHOSH @ BIRAJ CH. GHOSH, R/O- VILL- GOLAKGANJ GHOSH
PARA, P.S. GOLAKGANJ, DIST.- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 13 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, RELIEF AND
REHABILITATION DEPTT., DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DISPUR
GHY-06

3:THE INDIAN OIL CORPORATION LTD.
BONGAIGAON REFINERY
REP. BY ITS GENERAL MANAGER
P.O. DHALIGAON
P.S. BONGAIGAON
DIST.- CHIRANG
ASSAM
PIN- 783385

4:THE DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
G.S.ROAD
BHANGAGARH
GHY-05

KAMRUP (M)
ASSAM

5:THE DIRECTOR-CUM-CHEMICAL EXAMINER
TO THE GOVT. OF ASSAM
DIRECTORATE OF FORENSIC SCIENCE
ASSAM
KAHILIPARA
GHY-19

6:THE DY. COMMISSIONER
DHUBRI
P.O. DHUBRI
P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783131

7:THE SUB-DIVISIONAL OFFICER (CIVIL)
BILASIPARA SUB-DIVISION
DIST.- DHUBRI
ASSAM
PIN- 783348

8:THE SUPERINTENDENT OF POLICE
DHUBRI
P.O. DHUBRI
P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783131

9:THE CIRCLE OFFICER
BAGRIBARI REVENUE CIRCLE
DIST.- DHUBRI
ASSAM
PIN- 783349

10:THE DY. DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301

11:THE INSPECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348

12:NATRAM KANAILAL PETROLEUM
GOLAKGANJ
P.O. GOLAKGANJ
DIST.- DHUBRI
ASSAM
PIN- 783334

13:GULAKGANJ SAMABAY SAMITEE
REP. BY ITS CHAIRMAN
GULAKGANJ
DIST.- DHUBRI
ASSAM
PIN- 783334

14:NRIPEN CH. ROY
S/O- LT. OSINI CH. ROY
R/O- VILL- NORTH TOKRACHARA PART-3
P.O. GOLAKGANJ
P.S.-GOLAKGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE
JOINT REGISTRAR (JUDL.)- MR. ARUP JYOTI BAISHYA

ORDER

Date : 03.01.2023

Case taken up before the Lawazima Court.

None appears for the petitioner.

Perused the records.

The office note dated 17.12.2022 reveals that notice was issued to the respondent Nos.

13 & 14 by registered post with A/D on 24.11.2022.

In respect of the respondent No. 13, it appears that neither the A/D card nor the un-served notice has been received back by the concerned section till date.

Now, a perusal of the postal journal reveals that notice was issued to the aforesaid respondent in the address as mentioned in the cause title of the petition. Further, the track consignment report available with the case record reveals that notice in respect of the respondent No. 13 has been delivered on 05.12.2022. Therefore, in view of Section 27 of General Clauses Act 1897 read with Order 5, Rule 9, Sub.Rule 5 (proviso) of the CPC, **notice may be deemed to have been served upon the said respondent (respondent No. 13).**

Further, in respect of the respondent No. 14, it appears that un-served notice has been received back with postal remark "**Insufficient Address Return to Sender**". In view of the above, the petitioner is directed to take fresh steps for service of notice upon respondent No. 14 at his proper and complete address by registered post with A/D as well as by usual Court process through the office of the learned Munsiff No. 1, Dhubri, within 10(ten) days.

Let the matter be listed again before the Lawazima Court in the fourth week of January, 2023.

Joint Registrar (Judicial)

Comparing Assistant