

GAHC010041612023



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

Case No. : WP(C)/1353/2023

RANBIR KAKATI
S/O- LATE SIBA CHANDRA KAKATI,
R/O- R.G BARUAH ROAD, H NO- 54, SAGARIKA BHAWAN,
P.O- ZOO ROAD,
P.S- GEETANAGAR, GUWAHATI-24, ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE SECRETARY TO THE GOVT OF ASSAM, DEPTT OF
AGRICULTURE , DISPUR, GHY- 781006, ASSAM

2:THE PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM
PERSONNEL (B) DEPARTMENT
SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

3:THE ADDL. CHIEF SECRETARY SECRETARY
TO THE GOVT OF ASSAM
DEPARTMENT FOR THE WELFARE OF PLAIN TRIBES AND BACKWARD
CLASSES (WPT AND BC)
DISPUR
GUWAHATI-06
ASSAM

4:THE DIRECTOR OF AGRICULTURE
GOVT OF ASSAM
AGRICULTURE COMPLEX
KHANAPARA

GS ROAD
GUWAHATI
PIN- 781022

5:BISWAJIT KR. NATH
EXECUTIVE ENGINEER
AGRICULTURE

O/O THE EXECUTIVE ENGINEER
NAGAON
ASSAM
PIN-782001

6:MOUCHUMI DAS
OSD

O/O THE EXECUTIVE ENGINEER
KAMRUP DIVISION
ULUBARI
ASSAM
PIN-781007

7:RUPAM DAS
EXECUTIVE ENGINEER
AGRICULTURE

O/O THE EXECUTIVE ENGINEER
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

8:PURANJOY GOSWAMI
EXECUTIVE ENGINEER

O/O THE EXECUTIVE ENGINEER
KAMRUP DIVISION
ULUBARI
ASSAM
PIN-781007

9:PRASANNAJIT SAIKIA
EXECUTIVE ENGINEER
AGRICULTURE

O/O THE EXECUTIVE ENGINEER
TEZPUR
ASSAM

10:SIRAJUL HAQUE BORBHUYAN
OFFICE OF THE CHIEF ENGINEER
AGRICULTURE

DIRECTOR OF AGRICULTURE CAMPUS
KHANAPARA
ASSAM
PIN-781022

11:PRATUL SARMA
EXECUTIVE ENGINEER
AGRICULTURE

O/O THE EXECUTIVE ENGINEER
NALBARI
ASSAM
PIN-78133

Advocate for the Petitioner : MR DEBA SARMAH, MR. R CHETRY,MS N SHYAM

Advocate for the Respondent : SC, AGRI. DEPARTMENT, GA, ASSAM

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 17.11.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

Perusal of the recent office note dated 14.11.2025 reveals that notice was issued to the respondent Nos. 5 to 11 by way of registered post with A/D mode on 19.06.2023.

Now, in respect of the aforesaid notice issued to the respondent Nos. 5 to 11, this Lawazima Court has observed as follows:—

Respondent Nos. 7 & 8:— In this regard, it appears that the A/D cards of respondent Nos. 7 & 8 have been received, perusal of which reveals that the said A/D cards bear the signatures of people other than the said respondents.

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. 7 and 8. Thus, **in the present case, even though the A/D cards were signed by people other than the respondents themselves, the notice will be presumed to be served on the said respondents (respondent Nos. 7 & 8).**

Respondent Nos. 5, 6, 9, 10 & 11:- In respect of the notice issued to the said respondents, it appears that neither the A/D cards nor any un-served notices have been received by the concerned section till date. Besides the aforesaid, the postal track consignment details regarding the aforesaid notice are also not available with the case record.

In view of the above, **this Lawazima Court is of the view that the petitioner shall take fresh steps for service of notice upon the respondent Nos. 5, 6, 9, 10 & 11.**

Further, it appears that a mentioned for urgent listing has been allowed by the Hon'ble Court for 28.11.2025. As such, the matter is laid before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant