

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 : 17.03.2026

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

A perusal of the instant case record reveals that the notices were issued to the respondent Nos. 5, 6, 9, 10 & 11 by way of speed post mode on 05.01.2026.

Now, in respect of the notice issued to the respondent Nos. 5, 6, 9, 10 & 11, this Lawazima Court has observed as follows:—

*(i) The A/D card **(at Flag-'AD9')** of respondent No. 9 (i.e., "Prasannajit Saikia") has been received bearing full signature of a person namely, "Jantumoni Borah".*

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 card and the office copy of the registered notice that the registered notice was properly addressed to the respondent No. 9. Thus, **in the present case, even though the A/D card was signed by a person other than the respondent, the notice will be presumed to be served on the said respondent (respondent No. 9).**

(ii) Further, in respect of the respondent Nos. 5, 10 & 11, it has been observed that no A/D cards or un-served notices have been received by the Registry till date.

*Despite the above, it appears that the postal track consignment reports regarding the above mentioned notice have been procured by the Registry and the same have been tagged with the case record at **Flag-'Q' in the Part-III file**. Next, a perusal of the said reports reveals the following:—*

Respondent No. 5:— Notice in respect of the said respondent has been delivered on 08.01.2026.

Respondent Nos. 10 & 11:— The respective notices have been delivered on 07.01.2026.

*In view of the observations made above, it may be said that **service of notice upon the respondent Nos. 5, 10 & 11 has been completed**.*

*(iii) Furthermore, it has been observed that the notice issued to the respondent No. 6 has been received un-served with the following postal remark:— **"Insufficient Address, RTS"**.*

From the above observations, it may be discerned that the service of notice upon the respondent No. 6 could not be completed due to some issues relating to the address of the said respondent.

In view of the above, **the petitioner is directed to take necessary steps for**

obtaining proper instructions regarding the address of respondent No. 6 and the same to be furnished before the next Lawazima Court.

Let the matter be listed before the Lawazima Court again on 31st of March, 2026.

Joint Registrar (Judicial)

Comparing Assistant