

GAHC010046062019



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

Case No. : WP(C)/2652/2019

HAFIZUDDIN AHMED AND 4 ORS.
S/O- LT. SAMSUDDIN AHMED, VILL- PHALIHAMARI PAM, P.O.
PHALIHAMARI PATHAR VIA BHURAGAON, P.S. AND MOUZA-
BHURAGAON, CIRCLE OFFICE- BHURAGAON, DIST- MORIGAON, ASSAM,
PIN- 782121

2: ISMAIL HUSSAIN
S/O- LT. SAMSUDDIN AHMED
VILL- PHALIHAMARI PAM
P.O. PHALIHAMARI PATHAR VIA BHURAGAON
P.S. AND MOUZA- BHURAGAON
CIRCLE OFFICE- BHURAGAON
DIST- MORIGAON
ASSAM
PIN- 782121

3: IBRAHIM ALI
S/O- LT. SAMSUDDIN AHMED
VILL- PHALIHAMARI PAM
P.O. PHALIHAMARI PATHAR VIA BHURAGAON
P.S. AND MOUZA- BHURAGAON
CIRCLE OFFICE- BHURAGAON
DIST- MORIGAON
ASSAM
PIN- 782121

4: NOBI HUSSAIN
S/O- LT. SAMSUDDIN AHMED
VILL- PHALIHAMARI PAM
P.O. PHALIHAMARI PATHAR VIA BHURAGAON
P.S. AND MOUZA- BHURAGAON
CIRCLE OFFICE- BHURAGAON
DIST- MORIGAON
ASSAM

PIN- 782121

5: REKIBUL ISLAM
S/O- LT. SAMSUDDIN AHMED
VILL- PHALIHAMARI PAM
P.O. PHALIHAMARI PATHAR VIA BHURAGAON
P.S. AND MOUZA- BHURAGAON
CIRCLE OFFICE- BHURAGAON
DIST- MORIGAON
ASSAM
PIN- 78212

VERSUS

THE ADDITIONAL DEPUTY COMMISSIONER AND 3 ORS.
MORIGAON, ASSAM, PIN- 782001

2:THE CIRCLE OFFICER
BHURAGAON REVENUE CIRCLE
P.O AND P.S.-BHURAGAON
DIST.-MORIGAON
ASSAM
PIN-782121

3:MOHIBUR RAHMAN
S/O LT. SARDAR ALI
VILL-PHALIHAMARI PAM
P.O.-PHALIHAMARI PATHAR VIA BHURAGAON
P.S. AND MOUZA- BHURAGOAN
CIRCLE OFFICE- BHURAGAON
DIST.- MORIGAON
ASSAM
PIN-782121

4:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPT. DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MD. M H CHOUDHURY, MR H J YEPHO,MR. V ACHUMI,MR
MONZUR K CHOUDHURY,MS. M DEORI,MRS. L N CHOUDHURY

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS**

ORDER

Date : 12.02.2026

Case taken up before the Lawazima Court.

Learned counsel Mr. Monzur K. Choudhury appears on behalf of the petitioners. Heard.

Perused the records.

Perusal of the instant case record reveals that, as per the earlier Lawazima Court's order dated 12.08.2024, the notices were issued to the respondent No. 3 by way of registered post with A/D as well as by usual process on 09/01/2025 & 10/01/2025 respectively.

However, the subsequent Lawazima Court vide its order dated 10.11.2025 had observed that the notice issued through registered post with A/D was returned un-served, whereas, no service report was received in respect of the notice issued through usual process.

The said Lawazima Court vide its order dated 10.11.2025 further directed the section to issue a reminder to the concerned authority requesting to provide the service report of notice dated 10.01.2025 issued through usual process to the respondent No. 3.

Accordingly, it appears that a reminder was issued on 15.12.2025 and in this regard, it appears that a report has been received from the office of the learned Civil Judge(Jr. Div.) No. 1, Morigaon. In the said report, it has been stated that the above mentioned notice has not been received by the said office.

In view of the circumstances mentioned above, ***the learned counsel for the petitioner, Mr. Monzur K. Choudhury has appeared before this Court and prayed for allowing the petitioners to take fresh steps for service of notice upon the said respondent No. 3 by usual process.***

Now, in the aspect of the Lawazima Court's authority to pass order regarding the mode of issuance of notice to the respondents, the Hon'ble court was pleased to pass an order dated 04.06.2025 in WP(C)/6906/2023 (***at Flag-'ORDER'***), wherein, the Hon'ble Court has *inter alia* stated that:—

“While the learned Lawazima Court can look into

the matter of completion of service in the matter indicated by this Court, the aspect regarding the mode of such notice should not be part of such orders to be passed".

Since, there is no earlier order of the Hon'ble Court for taking fresh steps by way of usual process, this Lawazima Court is not in the position to grant the petitioner for taking fresh steps by way of usual process.

In view of the above, the matter is laid before the Hon'ble Court for passing necessary orders regarding respondent No. 3.

Deputy Registrar (Bench)

Comparing Assistant