

GAHC010060492024



undefined

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

Case No. : CRP(IO)/111/2024

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA, AIRPORT
ROAD, YERWADA, PUNE- 411006, MAHARASHTRA AND ITS BRANCH
OFFICE AT 2ND FLOOR, SREEJI TOWER, ADJACENT TO MAHINDRA
SHOWROOM, CHRISTIAN BASTI, G.S. ROAD, GUWAHATI-781006,
REPRESENTED BY ITS EXECUTIVE LEGAL OFFICER.

VERSUS

GIRIKANTA MAHANTA AND 5 ORS.
S/O- HEMKANTA MAHANTA, R/O- VILL.- MEKANAR CHUBURI, P.O.
BIHAGURI, P.S. TEZPUR, DIST. SONITPUR, ASSAM, PIN- 784153.

2:KIRU GURIA
S/O- GABREEL GURIA
R/O- VILL.- PURANI GHAGRA
BINDUKURI
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784502.

3:UTTAM TANTI
S/O- KHIROD TANTI
R/O- VILL.- KATHALGURI TEA ESTATE
P.O. BINDUKURI
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784502.

4:THE STATE OF ASSAM

REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
HOME AND POLITICAL DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

5:THE ADDITIONAL CHIEF SECRETARY
TRANSPORT DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

6:THE OFFICER-IN-CHARGE
TEZPUR POLICE STATION

DISTRICT- SONITPUR
ASSAM

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. D NATH (R-4,5,6),

Linked Case : CRP/44/2025

SUBARNALATA DAS
W/O LATE ANJAN KUMAR DAS
RESIDENCE OF M.C ROAD
UZAN BAZAR
PANBAZAR
DISTRICT- KAMRUP (M)
ASSAM
PHONE NO- 8638739454

VERSUS

MAHESWARI INDUSTRIES AND 2 ORS
CARE OF MAHESH KUMAR
P
S. JALUKBARI
DIST- KAMRUP (M)
ASSAM (OWNER OF THE OFFENDING VEHICLE NO. AS 01 MC 7520)

2:AMRIT KOCH
MANIK KOCH
VILL- BOKO
DIST- KAMRUP (R)
ASSAM (DRIVER OF THE OFFENDING VEHICLE NO. AS-01 MC-7520)

3:UNITED INDIA INSURANCE CO. LIMITED
GODREJ BUILDING
ULUBARI
GUWAHATI
DIST- KAMRUP (M)
ASSAM

Advocate for : MR MINTU SAIKIA
Advocate for : MR. S RAHMAN (R-1) appearing for MAHESWARI INDUSTRIES
AND 2 ORS

Linked Case : CRP(IO)/257/2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR

ICICI LOMBARD HOUSE 414
P. BALU MARG

SVS ROAD
PRABHADEVI
MUMBAI- 400025

ITS ZONAL OFFICE ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA- 700016 AND ITS BRANCH OFFICE AT 3RD FLOOR
KAMAKHYA TOWER

G.S. ROAD
CHRISTIAN BASTI
GUWAHATI- 781005
REPRESENTED BY THE LEGAL MANAGER.

VERSUS

JAYA NARZARY AND 5 ORS
WIFE OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

2:DERSUNG NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

3:BIRSAR NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

4:SANJIB NARZARY
SON OF LATE GAJEN NARZARY

RESIDENT OF VILLAGE- ALFAGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346..
(OWNER OF THE VEHICLE - AS-16 ER-4495)

5:RANJIT BASUMATARY
SON OF LATE LOKEN BASUMATARY

RESIDENT OF VILLAGE- UTTAR PATGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346..
(DRIVER OF THE VEHICLE -AS 16 ER-4495).

6:THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE COMPANY
5TH FLOOR
PRAG PLAZA
BHANGAGARH
G.S. ROAD
GUWAHATI-- 781005.
(INSURER OF THE VEHICLE- AS 16 G- 2369).

Advocate for : MR T KALITA
Advocate for : MR. T DEURI(R-1

4

5) appearing for JAYA NARZARY AND 5 ORS

Linked Case : CRP/140/2023

MOSTAFIZUR RAHMAN @ MUSTAFIZUR RAHMAN AND ANR
S/O AZAHAR ALI
R/O VILL-MOINBARI

P.O.-NIZ MOINBARI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM (BEING MINOR REPRESENTED BY HIS FATHER
PETITIONER NO. 2)

2: AZAHAR ALI
S/O MAYNAL HAQUE
R/O VILL-MOINBARI
P.O.-NIZ MOINBARI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER
ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

Advocate for : G UDDIN
Advocate for : appearing for WAZED ALI AND ANR

Linked Case : CRP/32/2025

BIJIT GONDHIA @ BIJIT GANDHIA AND ANR
S/O- THOLOK GANDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785614

2: MRIDU SPONDON GONDHIA
S/O SRI BIJIT GONDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785614 (BEING MINOR
REPRESENTED BY PETITIONER NO. 1)
VERSUS

NRIPEN SAIKIA AND ANR
S/O- LATE UMESWAR SAIKIA
R/O- HATIAKHOWA
P.O- HATIAKHOWA
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785626

2: NATIONAL INSURANCE COMPANY LIMITED
GOLAGHAT BRANCH
HEMCHANDRA GOSWAMI PATH
P.O.- GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621
REPRESENTED BY ITS BRANCH MANAGER

Advocate for : MR. M DUTTA
Advocate for : MR. P J BARMAN (R2) appearing for NRIPEN SAIKIA AND ANR

Linked Case : CRP/106/2024

MINESWAR GOGOI
S/O- LATE ADHIRAM GOGOI
R/O- NO. 3 MAHIMALIA
P.O. HABICHUKIA
P.S. GHILADHARI
DIST. GOLAGHAT
ASSAM
PIN- 785603.

VERSUS

UTTAM GOGOI AND 2 ORS.
S/O- SRI BHUGESWAR GOGOI
R/O- CHUTIAGAON
BOKOLAI
P.O. KAMARBANDHA ALI
P.S. AND DIST. GOLAGHAT
ASSAM
PIN- 785625.

2:TRIDIP MEDHI
S/O- NIRMAL CHANDRA MEDHI
C/O- J. DEKA
HOUSE NO. 7
RUPNAGAR
SARBANANDA PATH
NEAR SRIDHAN
VIMDABAN ASHRWAM
GUWAHATI
DIST.KAMRUP
ASSAM
PIN- 781032.

3:SBI GENERAL INSURANCE COMPANY LIMITED
JORHAT BRANCH
SECOND FLOOR
CITY PLAZA
OPPOSITE OF ELEYE CINEMA HALL
GAR ALI
P.O. AND DIST. JORHAT
ASSAM
PIN- 785001. REPRESENTED BY ITS BRANCH MANAGER.

Advocate for : MR. M DUTTA
Advocate for : MR. R GOSWAMI (R-3) appearing for UTTAM GOGOI AND 2 ORS.

Linked Case : CRP(IO)/187/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE AND REGISTERED OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA

PIN-302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL
21
JANAPATH
ULUBARI
GUWAHATI-781007
KAMRUP
ASSAM

VERSUS

MD EKRAMUL HUSSAINAND 2 ORS.
S/O ABDUL HAKIM
P/R/O VILL- UTTAR PUTA KALONG
MAZULI
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM
PIN-781318

2:DIBYA MORAN
S/O MODESWAR MORAN
R/O VILL- BETONI
P.S.- DIGBOI
P.O.- MAMORONI (MAKUM)
DIST- TINSUKIA
ASSAM
PIN-786170

3:DIPEN TANTI
S/O SAMARU TANTI
R/O VILL- PANKIAL GAON
P.S.- GOLAGHAT
DIST- GOLAGHAT
PIN-785702

Advocate for : MR. A J SAIKIA
Advocate for : appearing for MD EKRAMUL HUSSAINAND 2 ORS.

Linked Case : CRP/141/2023

BILLAL HUSSAIN @ BILLAL HASSAN
S/O ABDUL GOFUR
R/O VILL- NEAR GARAM

DABONDIA
P.O.-GUNIALGURI
P.S.-KALGACHIA
DIST- BARPETA
ASSAM
PIN-

VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER
ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

Advocate for : G UDDIN
Advocate for : appearing for WAZED ALI AND ANR

Linked Case : CRP(IO)/134/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE AND REGISTERED OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA
PIN-302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL
21
JANAPATH

ULUBARI
GUWAHATI-781007
KAMRUP
ASSAM

VERSUS

RUPAMONI BANIA BORA AND 2 ORS.
W/O DHIREN BORA
PERMANENT RESIDENT OF VILL- NALKATA BOWALGURI
P.S.- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM AND PRESENT RESIDENT OF C/O MANTU DAS
VILLAGE- BARMURIKONA KARDOITALA
P.S. NALBARI
DISTRICT- NALBARI
ASSAM
PIN-781335

2:MD SADDAM HUSSAIN
SON OF LATE ZABBAR ALI
RESIDENT OF VILLAGE- CHINATOLIA
P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN-787001

3:MD BULBUL HUSSAIN
SON OF JABBAR ALI
RESIDENT OF VILLAGE CHUKULI BHARIA
P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN-787001

For the Petitioner(s) : Mr. T. Kalita, Advocate
: Mr. M. Dutta, Advocate
: Mr. A. J. Saikia, Advocate
: Mr. G. Uddin, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. GA
: Mr. D. Nath, Sr. GA, Assam
: Mr. P. J. Barman, Advocate
: Mr. T. Deuri, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 04.11.2025

It has been submitted by the learned counsels appearing on behalf of some of the Petitioners that in addition to the present batch of writ proceedings, there are other 6 matters the list of which have also been provided.

2. Accordingly, the Registry is directed to tag CRP(IO) No.392/2024, CRP(IO) No.258/2025, CRP(IO) No.332/2025, CRP(IO) No.339/2025, CRP(IO) No.386/2023 and CRP(IO) No.121/2025 along with the present batch of writ petition.

3. This Court has also taken note of the affidavit-in-opposition filed by the State Respondents on 22.10.2025. A perusal of the said affidavit reveals that the Inspector General of Police, CID have nominated Nodal Officers and have also issued communications to the Commissioner of Police and the Superintendent of Police of all the Districts that the Nodal Officer shall be responsible for ensuring the compliance of the Central Motor Vehicles Act, 2022. In addition to that, the Inspector General of Police, CID have also issued a communication on 10.09.2025 to the Commissioner of Police, Guwahati and the Senior Superintendent of Police thereby requesting them to ensure strict compliance with the directions of the Supreme Court in the case of ***Gohar Mohammed Vs. Uttar Pradesh State Road Transport Corporation & Others reported in (2023) 4 SCC 381.***

4. This Court enquired with Mr. D. Nath, the learned Senior Government as to whether any Office Memorandum or notification has been issued so that due information is given to all the Police Officers in terms with Clause 20 of Annexure XIII of the Central Motor Vehicles Rules, 1989 as amended vide the Central Motor Vehicles (Fifth Amendment) Rules, 2022. The learned Senior Government Advocate submits that he would obtain necessary instruction(s) and place the same before this Court on the next date.
5. List these matters again on 03.12.2025 at 2 PM along with CRP(IO) No.392/2024, CRP(IO) No.258/2025, CRP(IO) No.332/2025, CRP(IO) No.339/2025, CRP(IO) No.386/2023 and CRP(IO) No.121/2025.
6. Interim order passed earlier shall continue till then.

JUDGE

Comparing Assistant