

GAHC010051812024



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

Case No. : WP(C)/1452/2024

MATILAL BASUMATARY
S/O LATE SATI RAM BASUMATARY, R/O VILL- GUWABARI, P.O.-
RANCHAIDHAM, P.S.-BASUGAON, DIST- CHIRANG, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
DIST-KOKRAJHAR
ASSAM

3:THE SECRETARY
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BTC
DIST- KOKRAJHAR
ASSAM

4:THE DIRECTOR OF LAND RECORDS AND SURVEYS
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DIST- KOKRAJHAR
ASSAM

5:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
SIDLI

DIST-CHIRANG
ASSAM

6:THE CIRCLE OFFICER
BIJNI REVENUE CIRCLE
BIJNI
DIST-CHIRANG
ASSAM

7:RABINDRA DAS
S/O KRISHNA MOHAN DAS
LAT MANDAL (WORKING ON DEPUTATION)
SIDLI REVENUE CIRCLE
SIDLI
DIST- CHIRANG
ASSA

Advocate for the Petitioner : MR. A K HUSSAIN, MR. B HUSSAIN

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC, BTC

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 04.11.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

Perusal of the instant case record reveals that notice was issued to the respondent No. 7 by way of registered post with A/D on 18.03.2024.

Now, in respect of the aforesaid notice issued to the respondent No. 7, it appears that the A/D card has been received bearing the signature of a person, namely, "**Sachi Das**". It is however not known as to how the recipient is related to the respondent No. 7.

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 that the registered notice was properly addressed to the respondent No.7. Thus, **in the present case, even though the A/D card was signed by a person other than the addressee, the notice will be presumed to be served on the said respondent (respondent No. 7).**

In view of the above, the matter may be placed before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant