

GAHC010054742021



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

Case No. : WP(C)/2162/2021

SABITA PAUL
W/O- LT. BIDYA PAUL, R/O- WARD NO. 10, KOKRAJHAR TOWN, P.O., P.S.
AND DIST.- KOKRAJHAR, BTR, ASSAM, PIN- 783370

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECY./ COMMISSIONER AND SECY., GOVT. OF
ASSAM, HOME AND POLITICAL DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
DISTRICT KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

3:THE ADDL. DY. COMMISSIONER
DISTRICT KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

4:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
KOKRAJHAR
BTR
ASSAM
PIN- 783370

5:THE OFFICER-IN-CHARGE

KOKRAJHAR P.S.
KOKRAJHAR
BTR
ASSAM
INDIA
PIN- 783370

6:SNEHALATA DAS
W/O- LT. NITYANANDA DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 783370

7:NITUL CH. DAS
S/O- LT. NITYANANDA DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 783370

8:ANITA DAS
W/O- SRI NITUL DAS
R/O- KACHARI ROAD
WARD NO. 6
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
BTR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. B J MUKHERJEE

Advocate for the Respondent : GA, ASSAM

**BEFORE
DEPUTY REGISTRAR (G AND C) - MR. KAUSTUVMANI GOSWAMI**

ORDER

Date : 01.12.2022

Case taken up before the Lawazima Court.

None appears for the petitioner.

Perused the records.

The office note dated 22.11.2022 reveals that notice was issued to the respondent Nos. 6, 7 & 8 by registered post with A/D as well as by *Dasti* mode on 05.04.2021.

In regard to the notice issued by registered post with A/D, the A/D card has been received back in respect of the respondent No. 8. A perusal of the said A/D card reveals that the said A/D card bears the full signature of one, namely, "**Rina Das**". 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. 8. 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. 8)**.

However, in respect of the respondent Nos. 6 & 7, neither the A/D cards nor the unserved notices have been received back.

Further, in respect of the notice issued by *Dasti* mode, it appears that no affidavit regarding service of notice upon the respondent Nos. 6 to 8 has been received by the concerned section till date despite the direction of the Hon'ble Court vide its order dated 26.03.2021.

In view of the above, The petitioner is granted 10 (ten) days time to file the said affidavit regarding service of notice on the respondent Nos. 6 to 8, failing which, the matter may be placed before the Hon'ble Court.

Deputy Registrar (G&C)

Comparing Assistant