

GAHC010076642024



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

Case No. : WP(C)/2268/2024

SABUR UDDIN AHMED AND 58 ORS.
SON OF LATE MONSER ALI, RESIDENT OF VILLAGE TOPAR PATHER, PO-
TOPAR PATHER,
P.S. CHHAYGAON,
DIST. KAMRUP, ASSAM.
PIN-781137.

2: CHAHEB ALI AHMED
SON OF ELAHI BAKSH
RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

3: SHAHIDUL ISLAM
S/O- ABDUL HAMID
RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

4: ROFIQUL ISLAM
S/O- LATE NAYAN UDDIN

5: ROFIQUL ISLAM
S/O- KURPAN ALI

- 6: ISAR UDDIN
S/O- JOYNUDDIN
- 7: SHAHAB UDDIN
S/O- MOHAR ALI
- 8: SHAMSUL HOQUE
S/O- MOHAR ALI
- 9: ABDUL MATIN
S/O- MUHUR UDDIN
- 10: AJMAL HOQUE
S/O- HABIBUR RAHMAN
- 11: MOYNAL HOQUE
S/O- SAYED ALI
- 12: SHUKUR ALI
S/O- SAID ALI
- 13: BAHADUR ALI
S/O- KURPAN ALI
- 14: SHOMEJ UDDIN
S/O- BASER UDDIN
- 15: SADEK ALI
S/O- KHOBIR UDDIN
- 16: AKBAR ALI
S/O- ALAUDDIN
- 17: TARIK UDDIN
S/O- YEAD ALI
- 18: BUDDUSH ALI
S/O- KOBIR UDDIN
- 19: WAZ UDDIN AHMED
S/O- HAZRAT ALI
- 20: AKKAS ALI
S/O- BASER ALI
- 21: ABDUL MANNAN

S/O- ABDUL MALEK

22: FAKAR UDDIN
S/O- NIYAMAT ALI

23: MAHIR UDDIN
S/O- REKAT ALI

24: MAHAR ALI
S/O- MAHABBAT ALI

25: IBRAHIM KHALIL
S/O- HUSSAIN ALI

26: DELUWAR HUSSAIN
S/O- ABDUL HAMID

27: JAHANGIR ALOM
S/O- ABDUS SALAM

28: ABDUL MAJID
S/O- RAHMAT ALI

29: SARBAT ALI
S/O- KHOBIRUDDIN

30: MOYNAL HOQUE
S/O- ISMAIL ALI

31: MOHIDUL HOQUE
S/O- MOHAR ALI

32: ROFIQUL ISLAM
S/O- ABDUR RAHIM MULLA

33: NAZRUL ISLAM
S/O- ASRAF ALI

34: CHAND MAHMUD
S/O- NORIMUDDIN

35: FAZAL HOQUE
S/O- USUP ALI

36: LATIP KHAN
S/O- CHOYED ALI

37: NASIRUDDIN
S/O- CHOYED ALI

38: KASHEM ALI
S/O- KHODA BOX

39: NURUL ISLAM
S/O- CHOYED ALI

40: ZAKIR HUSSAIN
S/O- KORIM ALI MULLAH

41: ASRAB ALI
S/O- KHUDA BOX

42: ROBIUL HUSSAIN
S/O- SHUKUR ALI

43: NURUJ JAMAN AHMED
S/O- ABDUL WAHAB

ALL ARE RESIDENT OF VILLAGE TOPAR PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

44: ALI AKBAR
S/O- ABDUL ADID

R/O- VILLAGE BAGHMARA

PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN- 781137.

45: REFAZ ALI
SON OF LATE MOHAMMAD ALI

46: MOHAMMAD ALI
S/O- WAZED ALI

47: AKKES KHAN
S/O- FAZIL KHAN

ALL ARE THE RESIDENT OF VILLAGE BAR ARIKATI
PS- BOKO
DIST- KAMRUP
ASSAM. PIN-781136.

48: SADDAM HUSSAIN
SON OF ABUL WAHAB

49: MOYNUL HOQUE
SON OF KOLIM UDDIN

50: NURRUL HOQUE CHOUDHURY
SON OF AMZAD ALI

51: AMZAD ALI
SON OF MONURUDDIN

52: WAHED ALI
SON OF MUNNAF ALI

53: SHORBAT ALI
SON OF HAZARAT ALI

54: BUDDUS ALI
SON OF AKBAR ALI

55: SHEIKH SADULLAH
SON OF SORHAB ALI

56: MAYJUDDIN AHMED
SON OF FOYJUDDIN AHMED

ALL ARE RESIDENT OF VILLAGE KACHIA
DIYA PATHER
PO- TOPAR PATHER

P.S. CHHAYGAON

DIST. KAMRUP
ASSAM.
PIN-781137.

57: JAHIDUL ISLAM
SON OF MD. SAKET ALI

58: MD. BURHAN ALI
SON OF LATE AMSER ALI

59: MD. FARMAN ALI
SON OF LATE AMSER ALI
ALL ARE PRESENTLY RESIDING AT VILLAGE BARDIA NAYAPARA

PO- MAHTOLI
PS- BOKO

DIST- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND 12 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, GEOLOGY, MINES AND MINERALS
DEPARTMENT, KAHILIPARA, GUWAHATI-19.

2:THE DIRECTOR
DIRECTORATE OF GEOLOGY AND MINING DEPARTMENT
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DIVISIONAL FOREST OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON.
PS- CHHAYGAON.
DIST. KAMRUP
ASSAM.
PIN-781123.

4:THE DEPUTY COMMISSIONER
KAMRUP AT AMINGAON

PO AND PS- AMINGAON

DIST- KAMRUP
ASSAM.
PIN-781031.

5:THE EXECUTIVE ENGINEER

WATER RESOURCE DEPARTMENT (WEST DIV.) BHARALUMUKH
GUWAHATI-09.

6:THE CIRCLE OFFICER
GOROIMARI REVENUE CIRCLE
P.O- TUKRAPARA

PS- CHHAYGAON

DIST- KAMRUP
ASSAM.
PIN- 781137.

7:THE CIRCLE OFFICER
CHAMARIA REVENUE CIRCLE
PS- BOKO

DIST- KAMRUP
ASSAM.
PIN-781136.

8:THE SUPERINTENDENT OF POLICE
KAMRUP AT AMINGAON
GUWAHATI-31.

9:M/S B. N. ENTERPRISE
REPRESENTED BY ITS PROPRIETOR NAMELY SRI BRAJA KISHORE
SARMA
R/O- WARD NO. 25
ARUNODOI PATH
PO- HENGRABARI
PS- DISPUR
DIST- KAMRUP (M)
ASSAM.PIN-781036.

10:SULEIMAN ALI @ SOLEMAN
SON OF ALAM CHAND

11:ABUL KALAM AZAD

SON OF LATE HAMED ALI

BOTH ARE RESIDENT OF TOPAR PATHER. PO- TOPAR PATHER
PS- CHHAYGAON

DIST- KAMRUP
ASSAM.
PIN- 781137.

12:AKABBAR ALI

SON OF LATE INNUS ALI

RESIDENT OF SARALAR SUTI

PO- TOPAR PATHER PS- CHHAYGAON
DIST- KAMRUP
ASSAM.PIN-781137.

13:SABED ALI

SON OF MAHIRUDDIN

VILL- LATARIA BILORJAN (BARGHUL)

PO- MAHTOLI
PS- BOKO

DIST- KAMRUP
ASSAM
PIN-781136

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR. A ALI,MR S ISLAM,MR. Y ALI

Advocate for the Respondent : GA, ASSAM, SC, WATER RESOURCE,SC, FOREST

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 23.07.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioners.

Perused the records.

Perusal of the instant case record reveals that notice was issued to the respondent Nos. 9 to 13 by registered post with A/D on 18.05.2024.

Now, in respect of the aforesaid notices issued to the respondent Nos. 9, 10, 11, 12 & 13, the following facts have been observed:—

Respondent No. 11:— In this regard, it appears that the notice issued to the respondent No. 11 has been received un-served with the following postal remark:—

“Refused, returned to sender”.

Now, in **N. Parameswaran Unni v. G. Kannan, (2017) 5 SCC 737**, the Hon'ble Supreme Court held that "when a notice is sent by registered post and is returned with postal endorsement "refused" or "not available in the house" or "house locked" or "shop closed" or "addressee not in station", due service has to be presumed."

In view of the proposition laid down in **N. Parameswaran Unni** (supra), the registered notice dated 18.05.2024 **may be presumed to be served on the respondent No. 11.**

Respondent Nos. 9, 10, 12 & 13:— In this regard, it appears that neither the A/D cards nor any un-served notices have been received by the concerned section till date. Moreover, it appears that the postal track consignment details regarding the notices issued to the respondent Nos. 9, 10, 12 & 13 are also not available with the instant case record.

In view of the above, **the petitioners are directed to take fresh steps for service of notice upon the respondent Nos. 9, 10, 12 & 13 by registered post with A/D as well as by usual process mode, as prescribed by the Hon'ble Court's order dated 01.05.2024. The said steps shall be taken within 7 (seven) days from the date of this order.**

Let the matter be listed again before the Lawazima Court in the third week of August, 2025.

Deputy Registrar (Bench)

Comparing Assistant