

GAHC010077022025



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

Case No. : WP(C)/2044/2025

JIYAUR PASA
S/O LT SALIM PASA NALBARI TOWN WARD NO 8 PO AND PO NALBARI
DIST NALBARI ASSAM 781335

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE SPECIAL COMMISSIOER AND SPECIAL SECRERTARY TO THE
GOVT OF ASSAM PUBLIC WORKS ROADS DEPTT DISPUR GUWAHATI 6

2:THE CHIEF ENGINEER
PWD (ROADS)
CHANDMARI
GUWAHATI-3
DIST-KAMRUP (M)
ASSAM

3:THE SUPERINTENDENT ENGINEER

PWD
NALBARI ROAD CIRCLE
NALBARI
ASSAM
PIN-781335

4:THE EXECUTIVE ENGINEER

PWD
NALBARI DISTRICT TERRITORIAL ROAD DIVISION
NALBARI
ASSAM
PIN-781335

5:MRINAL JYOTI NATH
MAJARHATI
BARPETA
ASSAM
PIN-78130

For the Petitioner(s) : Mr. J. Hussain, Advocate

For the Respondent(s) : Mr. B. Gogoi, Addl. AG, Assam

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 04.12.2025

It is seen that an affidavit of service has been filed by the Petitioner insofar as affecting service upon the Respondent No.5. This Court cannot accept the said affidavit of service taking into account that the direction to take steps by way of dasti was issued on 25.04.2025 and the case was directed to be listed on 21.05.2025. However, this affidavit of service is filed today only. Under such circumstances, this Court therefore rejects this affidavit of service.

2. The learned counsel appearing on behalf of the Petitioner submits that that there is an urgency in the matter.

3. This Court enquired with Mr. B. Gogoi, the learned Additional Advocate General, Assam who is also the Standing counsel of the PWD as to whether the Respondent No.5 is presently carrying out the contract work. The learned Additional Advocate General, Assam submitted that the Respondent No.5 is presently carrying out the contract work.

4. Under such circumstances, this Court therefore directs the learned counsel for the Petitioner to serve an extra copy of the writ petition to Mr. B. Gogoi, the learned Additional Advocate General, Assam who shall affect service of the notice through the Executive Engineer, PWRD, Nalbari District Territorial Road Division upon the Respondent No.5 as for the work in question, the Respondent No.4 is the concerned Engineer.
5. List this matter again on 28.01.2026.
6. An instruction be placed before this Court on the next date by the Respondent No.4 as to whether the directions so passed hereinabove have been duly complied with or not.

JUDGE

Comparing Assistant