

GAHC010080682020



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

Case No. : WP(C)/2597/2020

RAJIBUL ISLAM AND 9 ORS
S/O- LT. MOFIJUL ISLAM, R/O- VILL- BORKHABOL, P.O. LAHARIGHAT,
DIST.- MORIGAON, ASSAM

2: AMIR HUSSAIN
S/O- LT. HAJRAT ALI
R/O- VILL- MORITULI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

3: ABDUL HEKIM
S/O- ABDUL KHALEQUE
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

4: SHARIFUDDIN ANSARY
S/O- NAJIMUDDIN
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

5: MUZAMMEL HUSSAIN
S/O- LT. ABDUR RAHMAN
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

6: AJIJUL HOQUE
S/O- LT. SHAHAMMAD ALI
R/O- VILL- BORKHABOL

P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

7: JAMALUDDIN
S/O- LT. AKKAS ALI
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

8: FAIJUR RAHMAN
S/O- ABDUR RASHID
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

9: GULZER HUSSAIN
S/O- ABDUL GABBAR
R/O- VILL- BORKHABOL
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

10: MUSFIQUR ISLAM
S/O- NURUL ISLAM
R/O- VILL- DHINGARATI
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM AND 8 ORS.
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GHY-6

2: THE DY. COMMISSIONER
MORIGAON
DIST.- MORIGAON
ASSAM

3: THE MORIGAON ZILLA PARISHAD
TO BE REP. BY THE CHAIRMAN
MORIGAON
DIST.- MORIGAON
ASSAM

4:THE CHIEF EXECUTIVE OFFICER
MORIGAON ZILLA PARISHAD
DIST.- MORIGAON
ASSAM

5:THE LAHARIGHAT ANCHALIK PANCHAYAT
TO BE REP. BY ITS PRESIDENT LAHARIGHAT
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM
PIN-

6:THE EXECUTIVE OFFICER
LAHARIGHAT ANCHALIK PANCHAYAT
LAHARIGHAT
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

7:THE BLOCK DEVELOPMENT OFFICER
LAHARIGHAT DEVELOPMENT BLOCK
LAHARIGHAT
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

8:LILIMA KHATUN
W/O- KARIM MULLAH
PRESIDENT
LAHARIGHAT GAON PANCHAYAT
R/O- VILL- BARKHABAL
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSAM

9:BUDHEN BHAGAWATI
S/O- DEBEN BHAGAWATI
SECRETARY
LAHARIGHAT GAON PANCHAYAT
LAHARIGHAT BLOCK CAMPUS
P.O. LAHARIGHAT
DIST.- MORIGAON
ASSA

Advocate for the Petitioner : MR A R BHUYAN, MR. M A I HUSSAIN

Advocate for the Respondent : GA, ASSAM, SC, PNRD

**BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH**

ORDER

Date : 17.09.2025

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 the Hon'ble Court vide its order dated 23.06.2020 had directed the petitioners to take fresh steps for service of notice upon the respondent Nos. 3, 5, 8 & 9 by way of registered post with A/D.

However, from a perusal of an earlier office note dated 24.03.2021 reveals that the petitioners had taken fresh steps for issuance of notice to the respondent Nos. 5, 8 & 9 only, leaving out respondent No. 3. The office note dated 24.03.2021 further states that the notice was issued to the respondent Nos. 5, 8 & 9 on 24.03.2021.

Now, in respect of the above mentioned notice issued to the respondent Nos. 5, 8 & 9, it has been observed as follows:—

Respondent No. 5 & 8:— In respect of the said respondents, it appears that neither the A/D cards nor any un-served notices have been received by the concerned section till date. Additionally, the postal track consignment details regarding the said notice are also not available at the Indian Post Website.

*Respondent No. 9:— In this regard, it appears that the A/D card has been received bearing the full signature of a person, namely, "**Karim Mullah**".*

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. 9. 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. 9).**

In view of the observations made above, the petitioners are directed to take fresh steps for service of notice upon the respondent Nos. 3, 5 & 8 by way registered post with A/D mode, within 7 (seven) days from the date of this order.

Let the matter be listed again before the Lawazima Court in the last week of October, 2025.

Joint Registrar (Judicial)

Comparing Assistant