

GAHC010090782025



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

Case No. : WP(C)/2457/2025

PRNOBESH KR GHOSH
S/O LT. PANCHANAN GHOSH, R/O GAURIPUR, WARD NO. 3 (OLD), 8 (NEW),
P.O. AND P.S.- GAURIPUR, DIST- DHUBRI, ASSAM, PIN-783331

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
URBAN DEVELOPMENT DEPARTMENT, GUWAHATI-6, ASSAM

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GUWAHATI-6

3:THE DISTRICT COMMISSIONER
DHUBRI
DIST- DHUBRI
ASSAM

4:THE DHUBRI MUNICIPAL BOARD
DHUBRI
REPRESENTED BY ITS CHAIRPERSON
P.O.- DHUBRI
DIST- DHUBRI
ASSAM

5:THE TENDER EVALUATION COMMITTEE
DHUBRI MUNICIPAL BOARD
DHUBRI
REPRESENTED BY ITS CHAIRMAN
P.O.- DHUBRI

DIST- DHUBRI
ASSAM

6:THE EXECUTIVE OFFICER
DHUBRI MUNICIPAL BOARD
DHUBRI
P.O.- DHUBRI
DIST- DHUBRI
ASSAM

7:RAGHU VEER
S/O VIM MAHATO
R/O BALUCHAR
WARD NO. 3
P.O. AND P.S.- DHUBRI
DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR A ISLAM, E HUSSAIN

Advocate for the Respondent : GA, ASSAM, MR. P S BHATTACHARYYA (R-4,6)

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 28.08.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

The instant matter has been carefully perused and upon such perusal, it has been observed that notice was issued to the respondent Nos. 4, 5, 6 & 7 by registered post with A/D on 10.06.2025.

Now, in respect of the above mentioned notice issued to the respondent Nos. 4, 5, 6 & 7, it has been observed as follows:—

Respondent Nos. 4 & 6:– In respect of the said respondents, it appears that learned counsels have already entered appearance on behalf of the respondent Nos. 4 & 6 by filing respective Vakalatnamas. As such, it may be said that **service in respect of the respondent Nos. 4 & 6 has been completed.**

Respondent No. 7:– In this regard, it appears that the A/D card of respondent No. 7 has been received bearing the full signature of a person, namely, "**Gauri Mahato**". 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 and the office copy of the registered notice 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 respondent, the notice will be presumed to be served on the said respondent (respondent No. 7).**

Respondent No. 5:– In respect of the notice issued to the said respondent, it appears that neither the A/D card nor any un-served notice has been received by the concerned section till date.

Further, it appears that the postal track consignment details regarding the aforesaid notice issued to the respondent No. 5 has been generated by the concerned section and tagged with the case record at **Flag-'TC' in Part-III file.** The said report shows the

following:- "**Article not booked- No booking information found for this article number**".

In view of the observations made above, **the petitioner is directed to take fresh steps for service of notice upon the respondent No. 5 by 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 September, 2025.

Deputy Registrar (Bench)

Comparing Assistant