

GAHC010108182018



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

Case No. : WP(C)/3405/2018

SAJID KHAN
S/O YAKUB KHAN
H. NO. 21, MINHAZ PATH, SIJUBARI, HATIGAON
P.S. HATIGAON, DIST. KAMRUP (M), ASSAM PIN 781038.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER OF POLICE

GUWAHATI CITY

DIST.KAMRUP (M)
ASSAM
PIN - 781001.

3:THE OFICER IN CHARGE OF BHARALUMUKH P.S.
P.O. AND P.S. BHARALUMUKH
DIST. KAMRUP (M)
ASSAM

4:THE GENERAL MANAGER

ICIC LOMBARD GENEAL INSURANCE CO. LTD.
ICICI LOMBARD HOUSE 414 VEER SAVARKAR MARG. NEAR SIDDHI
VINAYAK TEMPLE
PARBHADEVI
MUMBAI- 400025.

5:SRI GHANAKANTA BORAH

INSPECTOR OF POLICE

(OFFICER-IN-CHARGE OF BHARALUMUKH POLICE STATION IN 2014)
OFFICE OF THE COMMISSIONER OF POLICE
GUWAHATI-1
P.O. AND P.S. PANBAZAR
DIST. KAMRUP (M)
ASSAM
PIN - 781001.

6:SRI JITU KUMAR

SUB INSPECTOR OF POLICE

(INVESTIGATING OFFICER BHARALUMUKH P.S. CASE NO. 352/2014)
OFFICE OF THE COMMISSIONER OF POLICE
GUWAHATI-1

P.O. AND P.S. PANBAZAR
DIST. KAMRUP (M)
ASSAM
PIN - 781001

Advocate for the Petitioner : MR. M SARANIA, MD. S U AHMED,MS. I KEITZAR,MR. B DEORI

Advocate for the Respondent : GA, ASSAM, MS. M SAIKIA (R4),MR. R GOSWAMI (R4),MS. P BORTHAKUR (R4)

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 07.11.2024

Case taken up before the Lawazima Court.

Learned counsel Mr. A. Sarania appears on behalf of Mr. M. Sarania, learned counsel for the petitioner.

Perused the records.

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

usual process on 05.09.2024 & 02.09.2024 respectively.

Now, in respect of the aforesaid notices issued to the respondent Nos. 5 & 6, it has been observed that:—

In respect of the notice issued by registered post with A/D:—

It appears that the notice in respect of the respondent Nos. 5 & 6 has been received un-served with the postal remark “**Not under GHY-01. Redirect to Bharalumukh Police Station. P.O.-Bharalumukh, 781009**”.

In respect of the notice issued by usual process:—

It appears that the process server's reports have been received by the concerned section. Now, on a perusal of the said service reports reveals that the notice in respect of the said respondents have been received by an employee of the office of the respondent Nos. 5 & 6.

Further, it may be pertinent to mention that although the notice issued through usual process have been received by an employee of the office of the aforesaid respondents, it appears that the said notices have been received by the concerned section along with the letters dated 25.10.2024 from the office mentioned in the Cause Title, i.e., “**Inspector of Police, Officer-in-charge, Bharalumukh P.S., City Guwahati**”, wherein, it has been stated that upon enquiry, it has been found that both the respondents, i.e., respondent Nos. 5 & 6 had retired from their service.

The letters mentioned above further stated that the respondent No. 5 now resides in “**Basona Ghat near Bank of Baroda, PO/ PS/ Dist- Morigaon, Assam, Mobile Number- 9678086866**” and as such requested to serve the notice through O/C Morigaon Police Station. Next, as for the respondent No. 6, it has been stated that name of the respondent is incorrectly entered in the petition. In the petition, it has been stated as “**Jitu Kumar**”, which should have been “**Jiten Kumar**”. Due to aforesaid mismatch in the name, the respondent No. 6 declined to receive the notice. Moreover, it has been mentioned that the said respondent is presently residing in “**Gotanagar PNGB Road near Gotanagar Hospital, P.S. Jalukbari, Dist- Kamrup(M)**”

In view of the observations made above, this Lawazima Court is of the view that the

instant matter is to be placed before the Hon'ble Court for obtaining necessary orders. As such, the matter is laid before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant