

GAHC010131862020



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

Case No. : WP(C)/4358/2020

MAHENDRA SINGH CHOUHAN
S/O- SHRI BIRAD SINGH CHOUHAN, R/O- 11 ARMENIAN STREET,
KOLKATA, WEST BENGAL, PIN- 700001

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., DISPUR, GHY-06

2:THE DY. COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783101

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTER
ULUBARI
GHY-07

4:THE SUPERINTENDENT OF POLICE
GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783101

5:THE ASSTT. SETTLEMENT OFFICER
BALIJANA REVENUE CIRCLE
GOALPARA
ASSAM

PIN- 783101

6:NABAKANTA THAKURIA
S/O LT. KHAGENDRA THAKURIA
P.O.- BADLAMARI
P.S. AND DIST.- GOALPARA
ASSAM
PIN-783101.

7:GURUCHARAN RABHA
S/O LT. JYOTIRMAY RABHA
R/O BHALUKDUBI TILAPARA
P.O.- BADLAMARI
P.S. AND DIST.- GOALPARA
ASSAM
PIN- 783121

8:RUSVELT RABHA
S/O LT. JMONESWAR RABHA
R/O- THEKASU PART-I
HOUSE NO. 653
P.O. AND P.S.- DUDHNOI
DIST.- GOALPARA
ASSAM
PIN. 783124.

9:DHANANJAY RABHA
S/O LT. DEVENDRA RABHA
R/O BHALUKDUBI TILAPARA
P.O.- BADLAMARI
P.S. AND DIST.- GOALPARA
ASSAM
PIN- 783101

Advocate for the Petitioner : MR. P N GOSWAMI, MS F N ZAMAN,MS. R CHOUDHURY,MR.
R R Gogoi,MR. I KALITA

Advocate for the Respondent : GA, ASSAM, MR. H S BORAH(R-6,7,9),MR. T R SARMA(R-
6,7,9),MR. P HAZARIKA (R-6,7,9),MR H DAS(R-8),D BARUAH (R-8),SC, REVENUE

**BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS**

ORDER

Date : 03.11.2025

Case taken up before the Lawazima Court.

Learned counsel Mr. M. Ahmed appears on behalf of Ms. R. Choudhury, learned counsel for the petitioner. Heard.

Perused the records.

Perusal of the recent office note dated 01.11.2025 reveals that notice was issued to the respondent Nos. 6, 7, 8 & 9 by way of registered post with A/D mode on 18.06.2025.

Now, in respect of the aforementioned notices issued to the respondent Nos. 6, 7, 8 & 9, it has been observed as follows:—

Respondent No. 6:— It appears that the notice issued to the respondent No. 6 has been received un-served with the following postal remark:— “***Insufficient Add. R.T.S.***”.

Respondent Nos. 7 & 9:— As for the notices issued to the said respondents, it appears that the A/D cards have been received and placed at **Flag-‘AD’ in Part-II file**. Now, a perusal of the said A/D cards reveals the following:—

(i) *The A/D card of the respondent No. 7 bears the full signature of the recipient. As such, it may be said that **service in respect of the respondent No. 7 has been completed.***

(ii) *The A/D card of respondent No. 9 has been received bearing signature of a person than the addressee.*

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. 19. Thus, **in the present case, even though the A/D card was signed**

by a person other than the respondent himself, the notice will be presumed to be served on the said respondent (respondent No. 9).

Respondent No. 8:– In this regard, it appears that the learned counsels have already entered appearance on behalf of the respondent No. 8 by filing Vakalatnama. As such, it may be said that **service in respect of the said respondent (i.e., respondent No. 8) has been completed.**

In view of the observations made above, this Lawazima Court is of the view that **the petitioner shall take necessary steps for obtaining instructions regarding the proper and complete address of respondent No. 6.**

Further, it appears that a mention has been allowed in the instant petition for listing the matter before the Hon'ble Court 10.11.2025. Accordingly, the matter is laid before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant