

GAHC010195552021



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

Case No. : WP(C)/6915/2021

BIDUR CHANDRA RAY
S/O- CHATISH CHANDRA RAY, R/O VILLAGE- KOIMARI PART VII, PO-
KOIMARI, ,PS- GOLAK GANJ, DIST- DHUBRI, ASSAM-783335

VERSUS

THE STATE OF ASSAM AND 9 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
TRANSPORT DEPARTMENT, DISPUR, GHY-06

2:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
TRANSPORT DEPARTMENT
DISPUR
GHY-06

3:THE DIRECTOR OF INLAND WATER TRANSPORT
ASSAM
ULUBARI
G. S. ROAD
GUWAHATI
DIST- KAMRUP(M)
ASSAM-781005

4:THE DEPUTY COMMISSIONER
DHUBRI
DIST- DHUBRI
ASSAM-783301

5:THE DISTRICT DEVELOPMENT COMMISSIONER IN THE OFFICE OF THE
DEPUTY COMMISSIONER
DHUBRI
DIST- DHUBRI

ASSAM-783301

6:THE CIRCLE OFFICER
AGOMONI REVENUE CIRCLE
AGOMONI
DIST- DHUBRI
ASSAM-783301

7:DHANESHWAR BARMAN
S/O- HARIDAS BARMAN
R/O- VILLAGE AND PO-BISHKHOWA PT II
PS- GOLAKGANJ
DIST-DHUBRI
ASSAM-783334

8:SRI KHIROD DAS (LAT MANDAL)
S/O- JIBAN DAS
R/O- VILL- KAJIGAON
PO- MOLAM DUBI
PS- KAJIGAON
DIST- KOKRAJHAR (BTAD)-783334

9:JITESH CHANDRA BHAKAT
S/O LATE TARINI KANTA BHAKAT
R/O- VILL KAIMARI PART IV
PO- KAIMARI
PS- GOLAK GANJ
DIST- DHUBRI
ASSAM-783335

10:SRI RAJESH BHAKAT
S/O LATE TARINI KANTA BHAKAT
R/O- VILL KAIMARI PART IV
PO- KAIMARI
PS- GOLAK GANJ
DIST- DHUBRI
ASSAM-78333

Advocate for the Petitioner : MR. P MAHANTA, MS. P SAHARIA

Advocate for the Respondent : GA, ASSAM, MS. R DUTTA(R-9,10),MR. S KATAKI (R-9,10),MS. R DUTTA (R9, R10),MR. S KATAKI (R9, R10),SC, IWT,SC, TRANSPORT

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

ORDER

Date : 19.03.2026

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

The recent office note dated 27.02.2026 reveals that notice was issued to the respondent Nos. 7, 8, 9 & 10 by way of registered post with A/D mode on 28.04.2022.

However, in the meantime, it appears that the learned counsels have entered appearance on behalf of the respondent Nos. 9 & 10 by filing Vakalatnama. As such, it may be said that **service of notice upon the respondent Nos. 9 & 10 has been completed.**

Further, in respect above mentioned notices issued to the respondent Nos. 7 & 8, it has been observed that the A/D cards (**kept at Flag-'AD' in the Part-II file**) have been received by the Registry and on a perusal of the said A/D cards reveals the following:—

*Respondent No. 7:— The A/D card bears full signature of the wife (**namely, "Namita Barman"**) of the said respondent. As such, it may be said that **service of notice upon the respondent No. 7 has been completed.***

Respondent No. 8:— The A/D card bears signature of a person other than the addressee. However, it is not known how the recipient is related to the said respondent.

In the above 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. 8. 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. 8).

In view of the observations made above, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant