

GAHC010199302023



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

**Case No. : WP(C)/5685/2023**

DEBENDRA NATH PHUKAN  
S/O LATE MOHINI NATH PHUKAN, R/O 19, MARTELLO COURT,  
PORTMARNOCK, DUBLIN, D13XF85, IRELAND. THROUGH HIS LEGALLY  
CONSTITUTED ATTORNEY SHRI AMAL BORAH, S/O LATE BHABANI  
CHARAN BORAH, AGED ABOUT 72 YEARS, R/O HOUSE NO. 8,  
MALIBAGAN, KHARGULI, GUWAHATI-781004, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, REVENUE  
DEPARTMENT, KAMRUP (M), DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER  
KAMRUP (M)  
GUWAHATI

3:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP (M)  
GUWAHATI

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
GUWAHATI

5:BIRENDRA NATH PHUKAN  
S/O LATE MOHINI NATH PHUKAN  
R/O M.C. BARUAH ROAD  
BARUWARI  
GUWAHATI-781001  
DIST- KAMRUP (M)  
ASSA

**Advocate for the Petitioner** : MRS. R BORAH

**Advocate for the Respondent** : SC, REVENUE

**BEFORE  
DEPUTY REGISTRAR (BENCH) - MR. KAUSTUVMANI GOSWAMI**

**ORDER**

**Date : 08.12.2023**

Case taken up before the Lawazima Court.

None appears on behalf of the petitioner.

Perused the records.

The office note dated 07.12.2023 reveals that notice was issued to the respondent No. 5 by registered post with A/D on 03.11.2023.

But, it appears that neither the A/D card nor the un-served notice has been received back in respect of the aforesaid respondent. Further, a perusal of the track consignment report reveals that notice in respect of the respondent No. 5 has been delivered to "**deputy reg ghyhaicort (addressee)**". However, a perusal of the Cause Title of the instant petition reveals that the respondent No. 4 is namely, "**Shri Birendra Nath Phukan**", which is different from the addressee stated in the track consignment report. As such, it cannot be ascertained whether the notice has been duly served upon the aforesaid respondent or not.

In view of the above, the petitioner is directed to take fresh steps for service of notice upon the respondent No. 5 by registered post with A/D as well as by usual Court process through the office of the learned Civil Judge (Junior Division), Kamrup (M), within 7 (seven) days.

Let the matter be listed again before the Lawazima Court after the Winter Vacation.

**Deputy Registrar (Bench)**

**Comparing Assistant**