

GAHC010212402023



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

Case No. : WP(C)/5527/2023

JAHANARA BEGUM AND 4 ORS
D/O- LATE SANTOSH ALI MULLAH, W/O- JABED ALI, R/O- VILL.-
ALOMGANJ, PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR, DIST.
DHUBRI, ASSAM, PIN- 783339.

2: NAJMINA KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

3: AYESHA SIDDIKA @ KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

4: ELIMA KHATUN
D/O- JABED ALI
R/O- VILL.- ALOMGANJ
PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

5: YEASMINUR PARBIN
(BEING MINOR IS REPRESENTED BY HER MOTHER
THE PETITIONER NO. 1)
D/O- JABED ALI
R/O- VILL.- ALOMGANJ

PT.-VIII UNDER REVENUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE DEPUTY COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

3:THE CIRCLE OFFICER

GAURIPUR REVENUE CIRCLE
GAURIPUR.

4:MESTER ALI PODDAR
S/O- LATE KHOSHAL PODDAR AND RESIDENT OF VILL.- ALOMGANJ PT.-
VII
UNDER REVEUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339.

5:ASAD ALI PODDAR
S/O- LATE KHOSHAL PODDAR AND RESIDENT OF VILL.- ALOMGANJ PT.-
VII
UNDER REVEUE CIRCLE- GAURIPUR
DIST. DHUBRI
ASSAM
PIN- 783339

Advocate for the Petitioner : MR. S DUTTA, MRS. S ROY,MR N RAHMAN

Advocate for the Respondent : GA, ASSAM, MR. A RAHMAN,SC, REVENUE

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

ORDER

Date : 09.09.2024

Case taken up before the Lawazima Court.

None appears on behalf of the petitioners.

Perused the records.

On a perusal of the office note dated 05.09.2024 reveals that notice was issued to the respondent Nos. 4 & 5 by registered post with A/D on 10.10.2023.

However, in the meantime, it appears that the learned counsels have already entered appearance on behalf of the respondent No. 4 by filing Vakalatnama. Along with the aforesaid, it may be mentioned that learned counsel Mr. A. Rahman has appeared before the Lawazima Court today on behalf of the respondent No. 4. As such, it may be said that **service in respect of the respondent No. 4 has been completed.**

Further, in regard to the notice issued to the respondent No. 5, it seems that no A/D card or un-served notice has been received by the concerned section as of yet.

Furthermore, it may be mentioned that the postal track consignment details are also not available in respect of the respondent No. 5

From the above, it appears that service of notice upon the respondent No. 5 has not been affected as of yet.

As such, **in view of the power conferred upon the Lawazima Court by the Division Bench (Comprising of Hon'ble the then Chief Justice (Acting), Mr. N. Kotiswar Singh and Hon'ble Mr. Justice Manish Choudhury) order dated 07.12.2020 passed in Writ Petition No. 4583/2015,** the petitioners are 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), Dhubri, within 7 (seven) days from the date of this order.

As the connected I.A. (Civil) No. 2048/2024 is fixed to be listed on 11.09.2024, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant