

WP(C) 6134/2016

BEFORE

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Ms. D. Borgohain, learned counsel for the petitioner. Also heard Mr. A.C. Sarma, learned counsel, who has entered appearance for the respondent No.1, 2 and 3.

On 05.10.2016, this Court passed the following order:-

Heard Ms. D. Borgohain, learned counsel for the petitioner. Before any order is passed, it is considered appropriate to direct the petitioner to cause Dasti service on the respondents, who are all from Guwahati. Process of Dasti, however, shall be routed through the Registry of this Court and after service is effected, an affidavit of service shall be filed. List for motion hearing on 24th October, 2016. On the next date fixed, the prayer for interim order for restoration of water supply connection will also be considered.

Thereafter, an affidavit was filed on 19.10.2016 by the petitioner stating that notices were duly received on behalf of the respondent Nos.1 to 3. It is further averred that the respondent No.4, i.e. the Secretary, Protech Regency Housing Society, refused to accept notice and told the petitioner that he would receive such notice if it is directly sent from the Hon'ble Court and not from the petitioner.

There was an order passed by this Court permitting the petitioner to cause Dasti service on the respondent No.4. On refusal to accept the notice, this Court could have proceeded to hear the case ex-parte against the respondent No.4. Be it noted that it is the prerogative of the Court to direct in which manner notice is to be served upon the respondents.

Issue notice of motion, returnable on 18th November, 2016.

The petitioner will take steps for service of notice on the respondent No.4 by registered post with A/D during the course of the day and the Registry will dispatch the notice by tomorrow, i.e. 01.11.2016.

Additionally, the petitioner is again permitted to serve the respondent No.4 by way of Dasti. The process of Dasti, however, shall be routed through the Registry of this Court and after service is effected, an affidavit of service shall be filed. Such service shall be caused within a period of 10(ten) days from today. After service of notice on the respondent No.4, the petitioner will file an affidavit pertaining to Dasti service.

The petitioner is also praying for an interim order for restoration of water connection.

Issue notice also on the interim prayer, returnable on 18th November, 2016.