

GAHC010241062025



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

Case No. : I.A.(Civil)/3486/2025

MD MANJIR ALI LASKAR
S/O LATE IDRIS ALI LASKAR,
RO VILLAGE KASHIPUR PART II, PO KASHIPUR, PH BARAKPAR, PS
SILCHAR, DISTRICT CACHAR, ASSAM, PIN 788809

VERSUS

ON THE DEATH OF MD AZIZUR RAHMAN BARBHUIYA, HIS LEGAL HEIRS
MOIBUL HAQUE BARBHUIYA
S/O LATE MD. AZIZUR RAHMAN BARBHUIYA,
RESIDENT OF VILLAGE KASHIPUR PART II, PO KASHIPUR, PH BARAKPAR,
PS SILCHAR, DISTRICT CACHAR, ASSAM, PIN 788809

2:NOIMUL HAQUE BARBHUIYA
RO VILLAGE KASHIPUR PART II
PO KASHIPUR
PH BARAKPAR
PS SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788809

3:BADRUL ISLAM BARBHUIYA
RO VILLAGE KASHIPUR PART II
PO KASHIPUR
PH BARAKPAR
PS SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788809

4:SAHRE ALOM BARBHUIYA

RO VILLAGE KASHIPUR PART II
PO KASHIPUR
PH BARAKPAR
PS SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788809

5:MEHBUB AHMED BARBHUIYA
S/O LATE MD. AZIZUR RAHMAN BARBHUIYA
RO VILLAGE KASHIPUR PART II
PO KASHIPUR
PH BARAKPAR
PS SILCHAR
DISTRICT CACHAR
ASSAM
PIN 78880

Advocate for the Petitioner : MR. A ISLAM, MR. L R MAZUMDER

Advocate for the Respondent : , SC, NHA, SC, NHIDC, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19.01.2026

Heard Mr. A. Islam, learned counsel for the applicant. Also heard Mr. C. Baruah, learned counsel for the respondents No. 2 and 5 and Ms. M. Barman, learned counsel for the respondents No. 3 and 4.

By filing this application, the applicant has sought for substitution of legal heirs of the respondent No.6, who had reportedly expired during the pendency of the connected writ petition.

The applicant/writ petitioner has approached this Court being WP(C) 1373/2025 seeking direction for payment of compensation in respect of the petitioner's land by the National Highway Authority of India in connection with Bharat Mala Project in the district of Cachar.

It transpires that the dispute is with the petitioner and the deceased respondent No.6 and the connected writ petition pertains to apportionment of the compensation. During the pendency of the

connected writ petition, the respondent No.6 has expired for which, the applicant seeks to substitute the legal heirs of the deceased respondent No.6.

Having considered that the connected writ petition pertains to apportionment of compensation and considering that the respondent No.6 died during the pendency of the writ petition leaving behind the proposed respondents to be substituted in place of respondent No.6 as well as the prayer for substitution having not been opposed by the learned counsel for the respondents, I deem it appropriate to allow this Interlocutory Application.

Accordingly, the respondent No.6 be allowed to be substituted by its legal heirs, namely **6.1** Moibul Haque Barbhuiya, aged about 39 years, **6.2.** Noimul Haque Barbhuiya, aged about 35 years, **6.3.** Badrul Islam Barbhuiya, aged about 33 years, **6.4.** Sahre Alom Barbhuiya, aged about 28 years and **6.5.** Mehbub Ahmed Barbhuiya, aged about 39 years as respondent Nos. 6.1 to 6.5 in the connected writ petition.

I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant