

GAHC010259492024



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

Case No. : WP(C)/6598/2024

AMULYA NATH SARMA
S/O LATE SURENDRA NATH SARMA, R/O PALLA ROAD, SIMALIYA,
KHATARUPIABATHAN, NALBARI, DIST-NALBARI, PIN NO. 781306, DIST-
KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HANDLOOM TEXTILE AND SERICULTURE, ASSAM
SECRETARIATE, DISPUR, GUWAHATI-06

2:THE MANAGING DIRECTOR
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-01

3:THE CHAIRMAN
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-01

4:THE ACCOUNTS WING
HEAD OFFICE
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-0

Advocate for the Petitioner : MR B HAZARIKA,

Advocate for the Respondent : SC, HANDLOOM, TEXTILE AND SERICULTURE,

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

ORDER

Date : 03.06.2025

Case taken up before the Lawazima Court.

Learned counsel Ms. S. Hazarika appears on behalf of Mr. B. Hazarika, learned counsel for the petitioner.

The office note dated 29.05.2025 reveals that notice was issued to the respondent Nos. 2, 3 & 4 by registered post with A/D.

In respect of the respondent Nos. 3 & 4, the A/D cards have been received back. A perusal of the said A/D cards reveals that the A/D cards bears the short initial of the recipient and hence it cannot be ascertain that the recipient was the addressee himself or someone else. In this context, the Hon'ble Privy Council in the case of **Harihar Banerji vs. 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 cards that the registered notices were properly addressed to the respondent Nos. 3 & 4. **Therefore, the notice dated 18.02.2025 may be deemed to have been served upon the said respondent Nos. 3 & 4.**

However, in respect of the respondent No. 2, neither the A/D card nor the un-served notice has been received back.

Now, from a perusal of the cause title of the petition, it appears that respondent Nos. 2, 3 & 4 belongs to the same Office. Further, a perusal of the postal journal and office copy of the registered notice available with the case record reveals that notice was issued to the respondent No. 2 in the correct and proper address. **Therefore, in view of Section 27 of General Clauses Act 1897 read with Order 5, Rule 9 (proviso) of the CPC, notice may be deemed to be served upon the said respondent No. 2.**

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

Joint Registrar (Judicial)

Comparing Assistant