

GAHC010262932024



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

Case No. : WP(C)/54/2025

SMTI. JYOTIKA TERON AND 3 ORS.
W/O LATE KARUNA KANTA TERON, R/O VILL- PAMOHI (MOINA
KHURUNG), NEAR PHC, P.O. AND P.S.-GARCHUK, GUWAHATI, KAMRUP
(M), ASSAM, PINCODE-781040

2: PRIYANKA TERON
D/O LATE KARUNA KANTA TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PINCODE-781040

3: DIGAMBAR TERON
S/O LATE KARUNA KANTA TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PINCODE-781040

4: TARULATA TERON
D/O LATE KARUNA KANTA TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PINCODE-78104

VERSUS

RATUL BAISHYA AND 14 ORS.

S/O LATE RAMESWAR BAISHYA AND MOTHER OF LATE PUTUL BAISHYA,
R/O AZARA, P.O. AND P.S.-AZARA, DIST- KAMRUP (M), ASSAM, PIN-781017

2:CHANDAN BAISHYA

S/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA
R/O AZARA
P.O. AND P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

3:DILIP BAISHYA

S/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA
R/O AZARA
P.O. AND P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

4:SMTI. BIMALA BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA
R/O AZARA
P.O. AND P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

5:SMTI. PADUMI BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA
R/O AZARA
P.O. AND P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

6:SMTI. LIPIKA BAISHYA

D/O LATE RAMESWAR BAISHYA AND MOTHER - LATE PUTUL BAISHYA
R/O AZARA
P.O. AND P.S.-AZARA
DIST- KAMRUP (M)
ASSAM
PIN-781017

7:PRASANA TERON

S/O LATE KAMINI TERONG
R/O PAMOHI
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

8:SABITA TERON
W/O LATE BIREN TERON
R/O PAMOHI
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

9:SANKAR TERON
S/O LATE MAMAT TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

10:GUNESWAR TERON
S/O LATE MAMAT TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

11:GOBINDA TERON
S/O LATE JAMIN TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

12:GOPAL TERON

S/O LATE JAMIN TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

13:TARUN TERON
S/O LATE JAMIN TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

14:MUKUL TERON
S/O LATE JAMIN TERON
R/O VILL- PAMOHI (MOINA KHURUNG)
NEAR PHC
P.O. AND P.S.-GARCHUK
GUWAHATI
KAMRUP (M)
ASSAM
PIN-781040

15:PROTIVA BORO
W/O AJAY KR. RABHA
R/O HOUSE NO. 11
JAPORIGOG
LAKHI NAGAR
P.O. AND P.S.-DISPUR
GUWAHATI
KAMRUP (M)
ASSAM
PIN-78100

Advocate for the Petitioner : MR. FIRUZ KHAN, P. NATH, RHITUSHREE TALUKDAR, MR. ABHIJIT MENA, MR. T K DAS, MR U CHAUDHURY

Advocate for the Respondent : MR H K DAS, SC, GHC

**BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS**

ORDER

Date : 28.02.2025

Case taken up before the Lawazima Court.

Learned counsel Mr. Abhijit Mena appears on behalf of the petitioners.

Perused the records.

Perusal of the recent office note dated 25.02.2025 reveals that notice was issued to the respondent Nos. 1 to 15 by registered post with A/D on 06.02.2025.

Now, in respect of the aforesaid notice issued to the respondent Nos. 1 to 15, the following facts have been observed:—

(1) Respondent Nos. 7, 8, 9, 10, 11, 12, 13 & 14:— In this regard, it appears that the respective notices issued to the said respondents have been received un-served, which are kept in a separate file labelled as "***Unserved Notices***".

Next, on a perusal of the above mentioned un-served notices, it appears that, except respondent No. 13, the notice in respect of the respondent Nos. 7, 8, 9, 10, 11, 12 & 14 have been received un-served without any postal remark. As for the respondent No. 13, the notice has been received un-served with postal remark, which read as "***Not Known, RTS***".

Now, in regard to the service of notice upon the above mentioned respondent Nos. 7, 8, 9, 10, 11, 12, 13 & 14, ***the learned counsel Abhijit Mena appearing on behalf of the petitioner before the Lawazima Court today prays for service of notice upon the said respondents through Dasti mode.***

In view of the above, **the petitioners are directed to take fresh steps for service of notice upon the respondent Nos. 7, 8, 9, 10, 11, 12, 13 & 14 through *dasti mode*, within 7(sevn) days from the date of this order. The steps are to be routed through the Registry and the appellant is to file an affidavit after effecting service on the aforesaid respondents.**

(2) Respondent Nos. 1, 2, 3, 4, 5, 6 & 15:– In this regard, it appears that neither the A/D cards nor any un-served notices have been received by the concerned section as of yet. Further, in regard to postal track consignment details of the notice issued to the said respondents, the office note dated 25.02.2025 has stated that the “**India Post**” website is not responding since 24.02.2025. As such, the aforesaid track consignment reports could not be traced out.

In view of the above, it may be said that **service in respect of the respondent Nos. 1, 2, 3, 4, 5, 6 & 15 is awaited.** In this regard , the concerned section is directed to take necessary steps for generating postal track consignment regarding the above mentioned notice issued to the respondent Nos. **1, 2, 3, 4, 5, 6 & 15**, within 7 (seven) days from the date of this order.

Further, it has been observed that instant matter has been fixed by the Hon’ble Court for listing 03.03.2025. As such, the matter is laid before the Hon’ble Court.

Deputy Registrar (Bench)

Comparing Assistant