

GAHC010265402024



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

Case No. : WP(C)/6673/2024

MIRAJUL ISLAM AND 35 ORS.
S/O ABDUL RAUF, R/O VILL- JEWARI,
P.O. TELIACHAPARI, DIST- NAGAON, ASSAM.

2: HABIBUR RAHMAN
S/O HATEM ALI
R/O VILLAGE AND P.O.
TELIACHAPARI
DIST- NAGAON
ASSAM

3: JAYNAL ABDIN
S/O SAMSUDDIN AHMED

R/O VILL- JEWARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

4: ASHADUR RAHMAN
S/O AMAL UDDIN
R/O VILL- JARATHANI

P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

5: HATEM ALI
S/O LATE INNAS ALI
R/O VILLAGE AND P.O.
TELIACHAPARI
DIST- NAGAON
ASSAM

6: HUSSAIN ALI
S/O LATE ABDUL BASHA
R/O VILL- KHANATUP
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

7: JESMINA KHATUN
W/O MAINUDDIN
R/O VILL- KHANATUP
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

8: MASUDA KHATUN
W/O NIKIBUR RAHMAN
R/O VILL- KHANATUP
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

9: ASMOTARA BEGUM
W/O ABDUL KHALEK
R/O VILL- KHANATUP
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

10: ANAR HUSSEN
S/O ABDUL RAOAF
R/O VILL- JEW MARI

P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.

11: NAJRUL ISLAM
S/O HATEM ALI
R/O VILL. AND P.O. TELIACHAPARI
DISTRICT- NAGAON
ASSAM.

12: RASHIDA KHATUN
W/O NUR MAHAMMAD

R/O VILL. JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

13: MOHAMMAD ALI
S/O LATE ABDUR RAHMAN

R/O VILL.AND P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

14: NUR BANU
W/O LATE ARSAB ALI
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

15: ABDUL KHALEK
S/O LT. SULTAN BHUYAN
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

16: FATEMA KHATUN
W/O ABDUL MALEK
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

17: SADEK ALI
S/O ALI HUSSAIN
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

18: HARUN RASHID
S/O ABUL HUSSAIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

19: AINUL HOQUE
S/O LT. MALEMADDIN
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

20: ABDUL KADIR
S/O LT. IMMAM UDDIN
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

21: MALEHA KHATUN
W/O LATE ALI ULLAH
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

22: HAZRAT ALI
S/O MATAB UDDIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

23: HELAL UDDIN
S/O JALAL UDDIN
RESIDENT OF-

VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

24: HOBIBUR RAHMAN
S/O HATEM ALI
RESIDENT OF VILLAGE AND P.O. TELIACHAPARI
DISTRICT- NAGAON
ASSAM.

25: ANISUR RAHMAN
S/O MATABUDDIN
RESIDENT OF VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

26: NOOR NABI
S/O LT. ABDUL SHAHID
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

27: AZIZUL ISLAM
S/O HATEM ALI
RESIDENT OF- VILLAGE AND P.O. TELIACHAPARI
DISTRICT- NAGAON
ASSAM.

28: MOJIBUR RAHMAN
S/O HUSSAIN ALI
RESIDENT OF- VILLAGE- JEW MARI
P.O. TELIACHAPARI
DISTRICT- NAGAON
ASSAM.

29: TAFJUL ISLAM
S/O ABDUL ROAF
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

30: AYSA KHATUN
W/O MALEMUDDIN
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

31: ATABUR RAHMAN
S/O AFAJ UDDIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

32: HABIBUR RAHMAN
S/O AFAJ UDDIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

33: MOJIBUR RAHMAN
S/O LT. MIA HUSSAIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

34: SARUFA KHATUN
W/O SHIRAJ UDDIN
RESIDENT OF-
VILLAGE- JEW MARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

35: ABDUL RAHMAN
S/O LATE ABDUL JABBAR
RESIDENT OF
VILLAGE- KHANTUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM.

36: FATEMA KHATUN
D/O MOHAMMAD ALI
RESIDENT OF
VILLAGE- KHANTUP
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND 26 ORS.
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY, PANCHAYAT AND
RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER OF PANCHAYAT AND RURAL DEVELOPMENT
DEPARTMENT
JURIPAR
PANJABARI
GUWAHATI-37.

3:THE DISTRICT COMMISSIONER
NAGAON

P.O. AND DISTRICT- NAGAON
ASSAM.

4:THE CHIEF EXECUTIVE OFFICER

NAGAON ZILLA PARISHAD
P.O. NAGAON
DIST- NAGAON
ASSAM.

5:THE BLOCK DEVELOPMENT OFFICER

RUPAHIHAT DEVELOPMENT BLOCK

P.O. RUPAHIHAT

DIST- NAGAON
ASSAM.
PIN-782125.

6:THE SECRETARY

JEWMARI GAON PANCHAYAT
P.O. TELIACHAPARI
DISTRICT- NAGAON
ASSAM
PIN- 782125.

7:ABDUL KADIR

S/O LT. ABDUL HASHIM
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI
DIST-NAGAON

ASSAM. PIN- 782125.

8:NAJIMA KHATUN

W/O ABU BAKKAR
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI
DIST-NAGAON
ASSAM. PIN- 782125.

9:ABBAS ALI

S/O LT. SURHAB UDDIN
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI
DIST- NAGAON
ASSAM. PIN- 782125.

10:IKRAMUL HOQUE

MOCHAZIM
RESIDENT OF VILL.AND P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.
PIN- 782125.

11:TASLIMA KHATUN

W/O SULTAN UDDIN

RESIDENT OF-
VILL- TELIACHAPARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM
PIN-782125

12:AMANULLA

SAIFUL ISLAM
RESIDENT OF VILL- JEWARI

P.O. TELIACHAPARI
DIST-NAGAON
ASSAM.
PIN- 782125.

13:ABDUL HANNAN

S/O IBRAHIM ALI
RESIDENT OF
VILLAGE- JEWARI
P.O. TELIACHAPARI

DIST- NAGAON
ASSAM. PIN- 782125.

14:ATABUR RAHMAN

S/O TURAB AI
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI
DIST-NAGAON

ASSAM. PIN- 782125.

15:HALIMA KHATUN

W/O CHAMS UDDIN
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI
DIST-NAGAON

ASSAM. PIN- 782125.

16:MUZAHARUL ISLAM

S/O TURAB ALI
RESIDENT OF VILL. AND P.O.
TELIACHAPARI
DIST- NAGAON
ASSAM.
PIN- 782125

17:MASHUDA KHATUN

W/O JAKIR HUSSAIN
RESIDENT OF VILL.
AND P.O. TELIACHAPARI
DIST- NAGAON
ASSAM. PIN- 782125.

18:DULAL MIYA

S/O KUTUBUDDIN
RESIDENT OF VILL.
AND P.O. TELIACHAPARI
DIST- NAGAON

ASSAM. PIN- 782125.

19:SAFAR UDDIN

S/O LALMIYA
RESIDENT OF VILL.
AND P.O. TELIACHAPARI
DIST- NAGAON
ASSAM. PIN- 782125.

20:JAKIR HUSSAIN

S/O AFAJ UDDIN
RESIDENT OF VILL. AND
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM. PIN- 782125.

21:ABDUR RASHID

S/O RAHMAT ULLAH
RESIDENT OF-
VILLAGE- KHANATUP
P.O. TELIACHAPARI

DISTRICT- NAGAON

ASSAM
PIN- 782125

22:FAKAR UDDIN

S/O JAMIR UDDIN
RESIDENT OF VILL. AND
P.O. TELIACHAPARI
DIST- NAGAON
ASSAM.
PIN- 782125.

23:SHIRAJ UDDIN

S/O ABDUL MANNAN
RESIDENT OF-
VILL- KHANATUP
P.O. TELIACHAPARI

DIST- NAGAON
ASSAM. PIN- 782125.

24:ABDUL GAFUR

S/O JAHUR
RESIDENT OF VILL. AND P.O.
TELIACHAPARI
DIST- NAGAON
ASSAM

PIN- 782125.

25:ASIA KHATUN

W/O GAFUR
RESIDENT OF VILL.AND P.O.
TELIACHAPARI
DIST- NAGAON
ASSAM

PIN-782125.

26:JEHIRUL ISLAM

S/O HAZRAT ALI
RESIDENT OF
VILL- JEWARI
P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM
PIN-782125

27:FATEMA KHATUN

W/O LT. MAJIBUR RAHMAN
RESIDENT OF-
VILL. AND P.O. TELIACHAPARI

DISTRICT- NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. N HAQUE, MR K UDDIN,MR. S R BARBHUIYA,MR. A K AZAD

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 16.09.2025

Case taken up before the Lawazima Court.

Learned counsel Mr. A.K. Azad appears on behalf of the petitioners. Heard.

Perused the records.

Perusal of the recent office note dated 11.09.2025 reveals that notice was issued to the respondent Nos. 7 to 27 by way of usual process and by way of registered post with A/D on 23.01.2025 & 01.02.2025 respectively.

Now, in respect of the aforesaid notices issued to the respondent Nos. 7 to 27, it has been observed as follows:—

In respect of the notice issued by way of registered post with A/D:— In respect of the said notice, it appears that the A/D cards of all the respondents except respondent Nos. 20 & 26 have been received and tagged with the case record in the **Part-III file**. Now, on a perusal of the said A/D cards reveals that the A/D cards have been received by the respondents themselves (***i.e., respondent Nos. 7 to 19, 21 to 25 & 27***).

In respect of the notice issued through usual process:— In respect of the said notice, it appears that the process server's reports have been received and tagged with the case record in the part-III file, perusal of which reveals the following:—

Respondent No. 7:— *The service report stated that the respondent No. 7 has expired.*

Respondent Nos. 8, 9 & 20:— *The service report stated that notice has been received by the adult son of respondent No. 8, on their absence.*

Respondent Nos. 10, 15, 18:— *The service report stated that notice has been received by the respondent No. 19, on their absence.*

Respondent Nos. 11, 12, 13, 16, 17, 19, 21, 22, 24 & 26:— *The service report stated that the respective notices have been duly received by the respondents themselves.*

Respondent No. 14:— *The service report stated that notice has been received by the respondent No. 16, on his absence.*

Respondent No. 20:— *The service report stated that notice has been received by his adult nephew, on his absence.*

Respondent Nos. 23 & 25:— *The service report stated that respective notices have been received by their respective sons, on their absence.*

Respondent No. 27:- The service report stated that the said respondent has refused to accept the notice.

From the above, it may be discerned that **service of notice upon the respondent Nos. 8 to 26 has been duly completed.**

Further, **as for the respondent No. 27, it may be mentioned that although the notice issued through usual process has been refused by the respondent, the notice issued through registered post with A/D has been duly served and the respondent No. 27 has duly acknowledged the receipt of the notice by putting her signature on the A/D card. As such, it may be said that service in respect of the respondent No. 27 has been completed as well.**

Furthermore, **in respect of the respondent No. 7, the process server's report states that the said respondent has expired as per the information provided by the Gaon Pradhan. As such, this Lawazima Court is of the view that the petitioners may take steps for substitution of legal heirs of the respondent No. 7, if so advised.**

In view of the observations made above, the instant matter is laid before the Hon'ble Court.

Deputy Registrar (Bench)

Comparing Assistant