

GAHC010285022023



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

Case No. : WP(C)/7461/2023

TIKENDRA NATH CHAMUAH AND 2 ORS
S/O KARUNA KANTA CHAMUAH, R/O SARAIGHAT, P.O.-DUMUNICHOWKI,
P.S.-BAIHATA CHARIALI, DIST- KAMRUP, ASSAM-781121

2: MUNINDRA NATH CHAMUAH
S/O KARUNA KANTA CHAMUAH
R/O SARAIGHAT
P.O.-DUMUNICHOWKI
P.S.-BAIHATA CHARIALI
DIST- KAMRUP
ASSAM-781121

3: DHIRAJ CHAMUAH
S/O KARUNA KANTA CHAMUAH
R/O SARAIGHAT
P.O.-DUMUNICHOWKI
P.S.-BAIHATA CHARIALI
DIST- KAMRUP
ASSAM-78112

VERSUS

THE STATE OF ASSAM AND 29 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, REVENUE
AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-6

2: THE DISTRICT COMMISSIONER
KAMRUP
ASSAM
PIN-781031

3: THE CIRCLE OFFICER
KAMALPUR REVENUE CIRCLE
DIST-KAMRUP

ASSAM-781101

4:SUREN NATH
S/O BATHARAM
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

5:KANDURAM NATH
S/O JAGAT
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

6:BHABESH NATH
S/O BUDDHIRAM
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

7:GANESH NATH
S/O BUDDHIRAM
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

8:UMESH NATH
S/O RATIA
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

9:KAMINI NATH
S/O NABIN NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP

ASSAM-781380

10:KAMINI NATH
S/O NABIN NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

11:BHUOEN NATH
S/O NABIN NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

12:JITEN NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

13:BILAI PRIYA NATH
S/O KRITI NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

14:KALICHARAN NATH
S/O KIRTI NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

15:JOGEN NATH
S/O KIRTI NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

16:KHITESHSHWAR NATH
S/O KIRTI NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

17:JAYANTA NATH
S/O KIRTI NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

18:GAUTAM CHANDRA DEKA
S/O RAMESH NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

19:AJIT CHANDRA NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

20:DIGANTA DAS
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

21:BIPUL NATH
S/O RAMCHARAN
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

22:MALOTI NATH

S/O RAMCHARAN
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

23:CHAKRADHAR NATH
S/O RAMCHARAN
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

24:SUROTH CHANDRA NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

25:BHABESH NATH
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

26:GANESH NATH
S/O BUDDHI
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

27:NAGESHWAR NATH
S/O BUDDHI
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

28:MRINAL KUMAR DAS
S/O BUDDHI
VILL-DOLMA

KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

29:BULU BARUAH
S/O RATHESHWAR
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-781380

30:SMT PINKU DEKA
W/O SRI BIPUL DEKA
VILL-DOLMA
KAMALPUR
P.O.-BAIHATA
DIST-KAMRUP
ASSAM-78138

Advocate for the Petitioner : MR S M ABDULLAH P, MD R ISLAM,MS F HUSSAIN,MR. M DEKA,MS B KOUSHIK,MD S HOQUE

Advocate for the Respondent : GA, ASSAM, MS N BARUAH,MR. D SARMA,MR P DAS

BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH

ORDER

Date : 07.02.2025

Case taken up before the Lawazima Court.

None appears on behalf of the petitioners.

Perused the records.

Perusal of the office note dated 06.02.2025 reveals that notice was issued to the respondent Nos. 21, 23, 24 and 28 by registered post with A/D as well as by usual process on 13.12.2024 & 06.09.2024.

Now, in regard to the aforesaid notices issued to the respondent Nos. 21, 23, 24 & 28, the following facts have been observed:—

R21:– It appears that:–

(i) No A/D card or un-served notice has been received in respect of the notice issued through registered post with A/D. But the postal track consignment report reveals that the notice has been delivered to the addressee 20.12.2024.

(ii) The process server report of the notice issued by usual process has been received, which reveals that notice has been duly received by the respondent No. 21.

As such, **service in respect of the respondent No. 21 has been completed.**

R23:– It appears that:–

(i) No A/D card or un-served notice has been received in respect of the notice issued through registered post with A/D. But the postal track consignment report reveals that the notice has been delivered to the addressee 20.12.2024.

(ii) The process server report of the notice issued by usual process has been received, which reveals that as per the information provided by the family members, respondent No. 23 has died nearly two years ago.

As such, **the petitioner may take steps for substitution of legal heirs of respondent No. 23, if so advised.**

R24:– It appears that:–

(i) No A/D card or un-served notice has been received in respect of the notice issued through registered post with A/D. But the postal track consignment report reveals that the notice has been delivered to the addressee 20.12.2024.

(ii) The process server report of the notice issued by usual process has been received, which reveals that respondent No. 24 could not be found at the given address.

Considering the fact that the notice issued through registered post with A/D has been delivered to the respondent No. 24, it may be said that **service in respect of the respondent No. 24 has been completed.**

R28:– It appears that:–

(i) No A/D card or un-served notice has been received in respect of the notice issued

through registered post with A/D. But the postal track consignment report reveals that the notice has been delivered to the addressee 20.12.2024.

(ii) The process server report of the notice issued by usual process has been received, which reveals that respondent No. 28 could not be found at the given address.

Considering the fact that the notice issued through registered post with A/D has been delivered to the respondent No. 28, it may be said that **service in respect of the respondent No. 28 has been completed.**

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

Joint Registrar (Judicial)

Comparing Assistant