

GAHC010094472023



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

Case No. : I.A.(Civil)/1184/2023

ON THE DEATH OF KARUNA KANTA DEKA HIS LEGAL HEIRS SMTI
JYOTSHNA TALUKDAR AND 2 ORS.

W/O LATE KARUNA KANTA DEKA R/O- VILL- UTTOR DIMORIA, P.O.
DHOPGURI, P.S. KHETRI, DIST- KAMRUP (M), ASSAM

2: SMTI KRITI DEKA SINHA

D/O LATE KARUNA KANTA DEKA R/O- VILL- UTTOR DIMORIA
P.O. DHOPGURI
P.S. KHETRI
DIST- KAMRUP (M)
ASSAM

3: SRI MANIB RATNAM DEKA SINHA
SO LATE KARUNA KANTA DEKA R/O- VILL- UTTOR DIMORIA
P.O. DHOPGURI
P.S. KHETRI
DIST- KAMRUP (M)
ASSA

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, 1, PARLIAMENT STREET, NEW DELHI-
110001

2:THE STATE OF ASSAM
REP. BY SECRETARY
REVENUE GOVT. OF ASSAM
DISPUR
GHY-6

3:THE DY. COMMISSIONER

KAMRUP (M)
GHY-1
ASSAM

4:THE SUB-DIVISIONAL OFFICER (SADAR)
CUM COMPETENT AUTHORITY UNDER THHE NHAI
OFFICE OF THE DY. COMMISSIONER
KAMRUP (M)
GHY-1

5:THE PROJECT OFFICER CUM THE NODAL OFFICER
NHAI
MINISTRY OF ROAD TRANSPORT ANND HIGHWAY PROJECT IMPLEMENT
UNIT PIU
HAVING ITS OFFICE AT HOUSE NO.1
1ST FLOOR
DILIP HUJURI PATH
SARUMATARIA
DISPUR
GHY-6

6:THE LAND ACQUISITION OFFICER
OFFICE OF THE DC
KAMRUP (M)
GHY-

Advocate for the Petitioner : MR. R N D SARMA

Advocate for the Respondent : DY.S.G.I.

Linked Case : WP(C)/883/2019

HEMENDRA NATH DEKA AND 2 ORS.
S/O- LT NAGENDRA NATH DEKA
R/O- VILL- UTTOR DIMORIA
P.O. DHOPGURI
P.S. KHETRI
DIST- KAMRUP (M)
ASSAM

2: RAJENDRA NATH DEKA
S/O- LT NAGENDRA NATH DEKA
R/O- VILL- UTTOR DIMORIA

P.O. DHOPGURI
P.S. KHETRI
DIST- KAMRUP (M)
ASSAM

3: KARUNA KANTA DEKA
S/O- LT NAGENDRA NATH DEKA
R/O- VILL- UTTOR DIMORIA
P.O. DHOPGURI
P.S. KHETRI
DIST- KAMRUP (M)
ASSAM
VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
1
PARLIAMENT STREET
NEW DELHI- 110001

2:THE STATE OF ASSAM
REP. BY SECRETARY
REVENUE GOVT. OF ASSAM
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GHY-6

3:THE DY. COMMISSIONER
KAMRUP (M)
GHY-1
ASSAM

4:THE SUB-DIVISIONAL OFFICER (SADAR)
CUM COMPETENT AUTHORITY UNDER THE NHAI
OFFICE OF THE DY. COMMISSIONER
KAMRUP (M)
GHY-1

5:THE PROJECT OFFICER CUM THE NODAL OFFICER
NHAI
MINISTRY OF ROAD TRANSPORT AND HIGHWAY PROJECT IMPLEMENT
UNIT PIU

HAVING ITS OFFICE AT HOUSE NO.1
1ST FLOOR
DILIP HUJURI PATH
SARUMATARIA
DISPUR
GHY-6

6:THE LAND ACQUISITION OFFICER
OFFICE OF THE DC
KAMRUP (M)

GHY-1

Advocate for : MR. C P SHARMA

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

05.06.2023

Heard Mr. R.N.D. Sarma, learned counsel for the applicants; Mr. R. Boro, learned counsel for the opposite party no. 5; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the opposite party no. 2; and Mr. C.K.S. Baruah, learned Junior Government Advocate, Assam for the opposite party nos. 3, 4 & 6.

The connected writ petition, W.P.[C] no. 883/2019 was preferred by three petitioners viz. [i] Sri Hemendra Nath Deka; [ii] Sri Rajendra Nath Deka; and [iii] Sri Karuna Kanta Deka.

The instant interlocutory application is preferred by the legal representatives of the petitioner no. 3 viz. Karuna Kanta Deka. It is averred that the three applicants are the legal representatives of the petitioner no. 3 viz. Karuna Kanta Deka who expired on 14.03.2023 and they have preferred the instant interlocutory application seeking substitution of the name of the petitioner by them as under :-

On the death of the petitioner no. 3 viz. Karuna Kanta Deka,
his legal heirs,

3[a] Smti Jyotshna Talukdar

Aged about 57 years,

Wife of Late Karuna Kanta Deka,

3[b] Smti Kriti Deka Sinha

Aged about 27 years,

Daughter of Late Karuna Kanta Deka

3[c] Sri Manib Ratnam Deka Sinha,

Aged about 26 years,
Son of Late Karuna Kanta Deka

All are residents of Village – Uttor Dimoria,
P.O. – Dhopguri, P.S. – Khetri,
District – Kamrup [M], Assam

The learned counsel for the opposite parties have no objection to the prayer for substitution as the applicants have averred that they are the only surviving legal representatives of the deceased petitioner no. 3, Karuna Kanta Deka.

In view of the averments made in the interlocutory application for substitution and considering the fact that there is no objection from the learned counsel for the opposite parties, the instant interlocutory application is allowed.

The office to make necessary correction in the cause-title of the writ petition, W.P.[C] no. 883/2019 and list the case after a week.

JUDGE

Comparing Assistant