

GAHC010016492014



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

Case No. : I.A.(Civil)/364/2024

LOKNATH SAIKIA and 2 ORS
S/O- LT. BHADRESWAR SAIKIA
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.

2: DIMBESWAR GOGOI
S/O- LT. DHANIRAM GOGOI
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.

3: MAKBUL HUSSAIN
S/O- LT. RIYAJUL HUSSAIN
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.
VERSUS

THE STATE OF ASSAM and 11 ORS
REP. BY THE COMMISSIONER and SECY.
GOVT. OF ASSAM
DEPTT. OF ENVIRONMENT AND FOREST
DISPUR
GHY- 6.

2:THE DY. COMMISSIONER
JORHAT
ASSAM.

3:SUB-DIVISIONAL OFFICER CIVIL

TITABAR
JORHAT.
4:THE ADDL. DIST. MAGISTRATE
JORHAT
ASSAM.
5:THE DIVISIONAL FOREST OFFICER
JORHAT.
6:THE CHAIRMAN
POLLUTION CONTROL BOARD
BAMUNIMAIDAN
GHY- 21
ASSAM.
7:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
BAMUNIMAIDAN
GHY- 21
ASSAM.
8:CHIEF ENVIRONMENTAL ENGINEER
POLLUTION CONTROL BOARD
BAMUNIMAIDAN
GHY- 21
ASSAM.
9:REGIONAL EXECUTIVE ENGINEER
REGIONAL OFFICE
SIBSAGAR
POLLUTION CONTROL BOARD
ASSAM.
10:ON THE DEATH DINESH SAIKIA
HIS LEGAL HEIRS
10.1:NAYANMONI SAIKIA

W/O LATE DINESH SAIKIA
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.
10.2:UDITYARAJ SAIKIA
S/O LATE DINESH SAIKIA
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.
10.3:ADITY SAIKIA
S/O LATE DINESH SAIKIA
R/O VILL.- AMGURIKHAT
P.O.- MELAMATI
DIST.- JORHAT
ASSAM.

11:ABDUL HOQUE
THE PRESIDENT OF MELAMATI GAON PANCHAYAT
TITABAR
JORHAT.
12:GHANA SAIKIA
S/O- LT. BAPURAM SAIKIA
GAON BURAH OF PATIAGAON
P.O.- MELAMATI
TITABAR
JORHAT.

Advocate for : MR. T J MAHANTA
Advocate for : SC
FOREST appearing for THE STATE OF ASSAM and 11 ORS

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 12.02.2024

1. The instant application has been filed by the petitioner seeking the substitution of the legal heirs of the deceased respondent no.10.
2. The record reveals that the respondent no.10 expired on 28.08.2022. However, the said aspect of the matter was brought to the notice of this Court on 09.01.2024 during the course of the hearing by the counsel of the deceased respondent no.10. Under such circumstances, the instant application has been filed thereby to substitute the legal representatives of the deceased respondent no.10. This Court is of the opinion that the right to sue survives upon the legal representatives of respondent no.10. Accordingly, the Court therefore, substitutes the legal representatives whose names have been reflected in paragraph no.3 of the application against the respondent no.10 and impleades them as the respondent no.10(i), 10(ii) and 10(iii) to the accompanying writ petition.

3. The petitioner is directed to submit a fresh memo of parties before the Registry on or before 17.02.2024 and on the basis thereof and the order passed herein the Registry shall make necessary changes in the cause-title and update the same in the CIS.

JUDGE

Comparing Assistant