

GAHC010086672024



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

Case No. : I.A.(Civil)/1309/2024

ON THE DEATH OF PARESH KUMAR ROY HIS LEGAL HEIRS SEWALI DEVI
AND ORS

W/O- LATE PARESH KUMAR ROY, R/O- DAKSHIN GANAKGARI, P.O. AND
P.S. SORBHOG, DIST. BARPETA, ASSAM, PIN- 781317.

2: SRI TAPASH KUMAR ROY
S/O- LATE PARESH KUMAR ROY
R/O- DAKSHIN GANAKGARI
P.O. AND P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN- 781317.

3: MISS PINAKI ROY
D/O- LATE PARESH KUMAR ROY
R/O- DAKSHIN GANAKGARI
P.O. AND P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN- 781317.

4: SRI BEDANT ROY
W/O- LATE PARESH KUMAR ROY
R/O- DAKSHIN GANAKGARI
P.O. AND P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN- 781317

VERSUS

THE STATE OF ASSAM AND 6 ORS
NOTICE THROUGH THE PRINCIPAL SECRETARY TO THE GOVERNMENT
OF ASSAM, FOREST AND ENVIRONMENT DEPARTMENT, DISPUR,

GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
-CUM- DISCIPLINARY AUTHORITY
FOREST AND ENVIRONMENT DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
AND HEAD OF FOREST FORCE
ASSAM
PANJABARI
GUWAHATI-781037.

4:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS
LOWER ASSAM ZONE
GUWAHATI-781001.

5:THE CONSERVATOR OF FORESTS
CENTRAL ASSAM CIRCLE
GUWAHATI-781029.

6:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
DIST. KAMRUP.

7:THE DIRECTOR

DIRECTORATE OF GEOLOGY AND MINING
ASSAM
KAHILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

10.05.2024

1. Heard Mr. U.K. Das, learned counsel for the applicants, who submits that

the writ petitioner expired on 17.02.2024. Accordingly, he prays that the surviving legal heirs of the deceased writ petitioner, who are the wife, sons and daughter, should be allowed to substitute the deceased writ petitioner.

2. Mr. D. Gogoi, learned counsel for the Forest Department submits that the application may be allowed, subject to the issue, as to whether the legal heirs of the deceased writ petitioner can be allowed to continue with the settlement of the Mahal, being left open in the writ petition.

3. In view of the submission made by the counsels for the parties, the legal heirs of the deceased writ petitioner namely (i) Smti. Sewali Devi, W/o Late Paresh Kumar Roy, (ii) Sri Tapash Kumar Roy, S/o Late Paresh Kumar Roy, (iii) Miss Pinaki Roy, D/o Late Paresh Kumar Roy and (iv) Sri Bedant Roy, S/o Late Paresh Kumar Roy, all residents of Dakshin Ganakgari, P.O. & P.S. Sorbhog, District-Barpeta, Assam, Pin-781317, are allowed to substitute the deceased writ petitioner.

4. The applicants shall submit the correct Cause Title to the Registry within a week.

5. I.A.(C) is accordingly allowed and disposed of.

JUDGE

Comparing Assistant