

GAHC010246752024



undefined

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

Case No. : MC/84/2024

SMTI. NILIMA BALA MALI
W/O LT. BHADRESWAR MALI, R/O SATPUKHALI, P.O. CHAYGAON, DIST-
KAMRUP RURAL, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, ENVIRONMENT
AND FORESTS DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
REHABARI
GHY-6

3:THE CHIEF CONSERVATOR OF FORESTS
CENTRAL ASSAM
GHY-01

4:THE DIVISIONAL FORESTS OFFICER
KAMRUP WEST DIVISION
BAMUNIGAO

Advocate for the Petitioner : MR. J SARMAH, SC, FINANCE DEPTT.

Advocate for the Respondent : SC, FOREST,

Linked Case : WP(C)/2275/2015

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BAMUNIGAON

Advocate for : MR.J SARMA
Advocate for : SC
FORESTR1-4 appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

10.03.2025

Heard Mr. J. Sarmah, learned counsel for the petitioner. Also heard Mr. D. Nath, Senior Government Advocate for the respondent.

The writ petition was dismissed for non prosecution by order dated 22.10.2024 of the WP(C) No.2275/2015.

The learned counsel for the petitioner submits that his mother-in-law had been hospitalized on 07.10.2024 and subsequently expired on 09.10.2024. As a consequent thereof the petitioner had to undertake all their religious rites as a consequence of the demise of late mother-in-law. The petitioner therefore was leave on 23.10.2024 and had also granted his leave of absence from 21.10.2024 to 23.10.2024. He submits that the matter was called up on 22.10.2024 as a consequence thereof he could not be present in writ petition and came to be dismissed for non prosecution.

The learned counsel for the respondent does not object to the prayer made.

Mr. D. Nath is requested to appear in the matter as the Standing Counsel Forest Department is not available in the Court.

The learned counsel for the parties have been heard, the application before this Court has been perused.

It is seen that in the cause list for 21.10.2024, which is enclosed as Annexure-B, the matter was shown to be listed as item no.14. The matter was called up and since there was no representations on behalf of the writ petitioner, by the order dated 22.10.2024 the writ petition came to be dismissed for non prosecution. The said cause list also reflects the leave note on 24.10.2024. At serial no.15, name of the learned counsel for the petitioner as well as the present applicant is reflected showing him to be on leave from 21.10.2024 to 23.10.2024.

As such it is clear that as on the date when the matter was called up

which is 22.10.2024. The learned counsel for the petitioner was on being for the reasons specified in Para 3 of the application.

Considering the circumstances as well as taking note of the prayers made by the counsel for the parties, the order dated 22.10.2024 passed in WP(C)/2275/2015 stands recalled. I.A. is accordingly allowed and disposed of. The writ petition WP(C)/2275/2015 be listed by the Registry after 3 (three) weeks.

JUDGE

Comparing Assistant