

GAHC010120512024



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

Case No. : I.A.(Civil)/1874/2024

ON THE DEATH OF PABINDRA DUTTA CHOWDHURY @ OPU DUTTA
CHOWDHURY HIS LEGAL HEIRS CHUAUHAN SANGKUNGI
C/O LATE PABINDRA DUTTA CHOWDHURY, R/O SANGPU HOUSE,
UZANBAZAR SAT PUKHURI, M.G. ROAD, GUWAHATI-781001

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI-781006

2:GAUHATI MUNICIPAL CORPORATION
PANBAZAR
GUWAHATI-781001 THROUGH ITS SECRETARY

3:THE GAUHATI METROPOLITAN DEVELOPMENT AUTHORITY
REPRESENTED BY THE SECRETARY
GMDA
BHANGAGARH
GUWAHATI-781005

4:THE COMMISSIONER
GAUHATI MUNICIPAL CORPORATION
GUWAHATI
P.O.-PANBAZAR
GUWAHATI-781001
DIST-KAMRUP
ASSAM

5:THE DEPUTY COMMISSIONER
KAMRUP METRO
PANBAZAR
GUWAHATI-781001
ASSAM

6:RAJ BHAWAN GUWAHATI
REPRESENTED BY THE SECRETARY TO HIS EXCELLENCY THE
GOVERNOR OF ASSAM
RAJ BHAWAN
UZANBAZAR
SAT PUKHURI
M.G. ROAD
GUWAHATI-78100

Advocate for the Petitioner : MS. B CHOWDHURY, MS. B CHOWDHURY

Advocate for the Respondent : GA, ASSAM,

Linked Case : I.A.(Civil)/1956/2024

ON THE DEATH OF PABINDRA DUTTA CHOWDHURY @ OPU DUTTA HIS
LEGAL HEIRS CHUAUHAN SANGKUNGI
C/O LATE PABINDRA DUTTA CHOWDHURY @ OPU DUTTA
SANGPU HOUSE
UZANBAZAR SAT PUKHURI
M.G. ROAD
GUWAHATI-781001

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

For the Applicant(s) : Ms. B. Chowdhury, Advocate

For the Respondent(s) : Mr. R. Borpujari, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 30.09.2024

Heard Ms. B. Chowdhury, the learned counsel appearing on behalf of
the Applicant.

2. Both the Interlocutory Applications have been filed for setting aside the abatement as well as for substitution of the legal representatives of the Petitioner in the accompanying writ petition who expired during the pendency of the instant writ petition i.e. on 14.01.2024.
3. Taking into account that the cause of action in respect to the accompanying writ petition survives post the death of the Petitioner upon the legal representatives, this Court is of the opinion that the accompanying writ petition can be permitted to be proceeded with through the legal representatives of the Petitioner. It is mentioned that the Petitioner is survived by his wife namely Smti Chuauhang Sangkungi who is the applicant in the instant proceedings.
4. Taking into account the above, this Court substitutes the Applicant herein with that of the original Petitioner.
5. The learned counsel for the Applicant is directed to file a fresh Memo of Parties before the Registry of this Court within 7 (seven) days and on the basis of the said Memo of Parties and the order passed herein, the Registry is directed to make necessary changes in the Cause Title as well as update the same in the CIS.
6. Both the Interlocutory Applicant stands allowed.

JUDGE

Comparing Assistant