

GAHC010156382024



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

Case No. : I.A.(Civil)/2574/2024

LILIMA GOGOI
W/O- LT. PRAFULLA GOGOI, VILL- ULUP, P.O. ULUP, P.S. MARGHERITA,
DIST.- TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
RELIEF AND REHABILITATION BRANCH
DISPUR
GHY-06

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GHY-06

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

5:THE DY. COMMISSIONER
TINSUKIA
TINSUKIA
DIST.- TINSUKIA
ASSAM
PIN- 786125

6:THE CIRCLE OFFICER
MARGHERITA REVENUE CIRCLE
MARGHERITA
DIST.- TINSUKIA
ASSAM
PIN- 78618

Linked Case : WP(C)/4059/2021

NILIMA GOGOI
W/O- LT. PRAFULLA GOGOI
VILL- ULUP
P.O. ULUP
P.S. MARGHERITA
DIST.- TINSUKIA
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
RELIEF AND REHABILITATION BRANCH
DISPUR
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3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
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4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
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GHY-06

5:THE DY. COMMISSIONER
TINSUKIA
TINSUKIA
DIST.- TINSUKIA
ASSAM
PIN- 786125

6:THE CIRCLE OFFICER
MARGHERITA REVENUE CIRCLE
MARGHERITA
DIST.- TINSUKIA
ASSAM
PIN- 786181

For the petitioner (s) : Mr. A. M. Khan, Advocate

For the respondent (s) : Mrs. P. R. Mahanta, Advocate
Mr. B. J. Talukdar, Addl. Sr. Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

01.10.2024

Heard Mr. A. M. Khan, the learned counsel appearing on behalf of the applicant. Ms. P. R. Mahanta appears on behalf of the Revenue Department to the Government of Assam and Mr. B. J. Talukdar, the learned Additional Senior Government Advocate appears on behalf of the District Administration.

2. In the instant application so filed, it is the case of the applicant that she is a widow and had placed before her counsel all the documents that her name is Smti. Lilima Gogoi. This Court had perused the documents accompanying the writ petition and even the affidavit wherein the applicant signed which shows that the name of the petitioner is Smti. Lilima Gogoi. But for reasons best known, the entire writ petition was filed showing the name of the petitioner as Smti. Nilima Gogoi by the counsels. It is on account of that mistake which has been committed by the counsel appearing on behalf of the applicant she is not in a position to get the

benefit of an order being passed by this Court on 28.08.2023. The act on the part of the counsel is strongly deprecated and the conduct is reprimanded. Be that as it may, it being a settled law that a person should not suffer on account of the fault of counsel, and as such, this Court allows the instant application thereby observing that the name appearing in the writ petition as well as the orders passed in WP(C) No.4059/2021 be read as Smti. Lilima Gogoi and not Smti. Nilima Gogoi.

3. The respondent authority shall, on the basis of the instant order, permit the petitioner, i.e. Smt. Lilima Gogoi, the benefit of the order dated 28.08.2023 passed in WP(C) No.4059/2021.

4. The period which has been mentioned in the order dated 28.08.2023 would stand extended by another period of 2 months from the date of the instant order.

5. With the above, the instant I.A. stands allowed.

JUDGE

Comparing Assistant