

GAHC010160882024



2024:GAU-AS:11597

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

Case No. : I.A.(Civil)/2446/2024

AMIT KUMAR BORAH
S/O- LATE UMESH CHANDRA BORAH, R/O- CHEROTIA GAON, NABAJYOTI
PATH, BOROGAON, P.S. JORHAT, JORHAT EAST, ASSAM-785001.

VERSUS

GAKUL BORA AND 7 ORS.
S/O- LATE PANIRAM BORA, R/O- VILL.- CHENGELI GAON, MOUZA-
CHARIGAON, PS. JORHAT, DIST. JORHAT, ASSAM, PIN- 785010.

2:SURAJIT BORA
S/O- LATE PANIRAM BORA
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT
ASSAM
PIN- 785010.

3:SMT. PUNADA BORA
W/O- LATE PANIRAM BORA
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT
ASSAM
PIN- 785010.

4:CHENIRAM BORA
S/O- LATE FODAI BORA
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT

ASSAM
PIN- 785010.

5:NIRU BORA
W/O- LATE BANSHIDAR BORA (BOGAI)
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT
ASSAM
PIN- 785010.

6:DILIP BORA
S/O- LATE MITHARAM BORA
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT
ASSAM
PIN- 785010.

7:SMT. RANJUMONI BORA
W/O- PROBIN BORA
R/O- VILL.- CHENGELI GAON
MOUZA- CHARIGAON
PS. JORHAT
DIST. JORHAT
ASSAM
PIN- 785010.

8:THE ADDITIONAL DEPUTY COMMISSIONER
(LAND ACQUISITION)
JORHAT
ASSA

Advocate for the Petitioner : MR B D DAS, MR H K SARMA,MR. D THAOSEN,MR. H R DAS

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 25.11.2024

Heard Mr. B.D. Das, learned Senior Counsel assisted by Mr. H. R. Das, learned counsel for the applicant; Mr. T.R. Gogoi, learned Government Advocate for the respondent No.8.

This interlocutory application under Section 5 of the Limitation Act is preferred by the applicant Shri Amit Kumar Bora, for condonation of delay of 41 days in preferring connected Civil Revision Petition challenging the order dated 28.03.2024 passed by the learned Additional district Judge, Jorhat, in Land Acquisition Reference No. 30/2022, under Section 3H(4) of the National Highways Act, 1956

Mr. Das, learned Senior Counsel for the applicant submits that notice upon respondent Nos. 1 to 7 have been effected by Dasti mode but they have failed to appear before this Court on 25.08.2024. Mr. Das, further submits that the applicant has preferred one writ petition being WP(C) No. 3308/2024 before this Court instead of filing a petition under Article 227 of the Constitution of India against the impugned judgment passed by the learned Additional District Judge, Jorhat and in view of Section 14 of the Limitation Act, the period for which the matter was pending before this Court under Article 226 of the Constitution of India has to be excluded from the period of limitation and that the cause of delay for rest of the period has been explained in paragraph Nos. 2 and 3 of this petition and that delay was not deliberate and wilful and therefore, it is contended to condone the same.

Mr. Gogoi, learned Government Advocate, State of Assam, for the

respondent No.8 submits that he has no objection in the event of condoning the delay of 41 days.

Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition and the documents placed on record and also perused the order of this Court dated 02.08.2024, in WP(C) No.3308/2024. Also I have gone through the statement and averment made in the paragraph Nos. 2 and 3, of the petition and it appears that the delay of 41 days in filing the connected petition is sufficiently explained and as such, the delay of 41 days in filing the civil revision petition stands condoned.

Now the Registry has to register the civil revision petition and list the same before the Court as soon as practicable.

JUDGE

Comparing Assistant