

GAHC010209412021



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

Case No. : I.A.(Civil)/580/2022

ISLAM NAWAJ UDDIN AHMED
S/O. LT. ALHAJ BASHIR UDDIN AHMED, R/O. NAKARI, WARD NO. 2, P.O. and
P.S. NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF PLANNING AND
DEVELOPMENT, DISPUR, GHY-6

2: THE DEPUTY COMMISSIONER
NORTH LAKHIMPUR
DIST. LAKHIMPUR

3: THE NORTH LAKHIMPUR DEVELOPMENT AUTHORITY
LAKHIMPUR
REP. BY THE CHAIRMAN

Linked Case : I.A.(Civil)/582/2022

MD. ISLAM NAWAJ UDDIN AHMED

S/O. LT. ALHAJ BASHIR UDDIN AHMED
R/O. NAKARI
WARD NO. 2
P.O. and P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE SECY. TO THE GOVT.OF ASSAM
DEPTT. OF PLANNING AND DEVELOPMENT
DISPUR
GHY-6

2:THE DEPUTY COMMISSIONER
NORTH LAKHIMPUR
DIST. LAKHIMPUR

3:THE NORTH LAKHIMPUR DEVELOPMENT AUTHORITY
LAKHIMPUR

REP. BY THE CHAIRMAN

For the Applicant(s) : Mr. M. U. Mahmud, Advocate

For the Respondent(s) : Mr. J. Handique, Government Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.01.2024

1. Both the Interlocutory Applications are taken up for disposal by this common order.
2. I.A.(Civil) No.580/2022 is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 2482 days in filing the restoration application to WP(C) No.5101/2006 which was dismissed for default on 10.02.2015.
3. The second application i.e. I.A.(Civil) No.582/2022 is an application seeking restoration of the writ petition i.e. WP(C) No.5101/2006 which was dismissed for default on 10.02.2015.
4. This Court has perused the materials on record and also the contents of the writ petition. Taking into account the grounds which have been taken that it was

on account of the fault of the counsel which has resulted in non-appearance and consequent dismissal of the writ petition which was also not informed to the Petitioner, this Court is of the opinion that this is a fit case for restoring the writ petition to the file.

5. This Court however cannot also be unmindful of the fact that there has been a considerable delay in filing the application for which this Court imposes a cost of Rs.10,000/- to be deposited before the Registry of this Court as a condition precedent for the purpose of restoration of the writ petition. The said amount be deposited by 25.01.2024.

6. Accordingly, both the Interlocutory Applications stands allowed.

JUDGE

Comparing Assistant