

GAHC010225192021



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

Case No. : WP(C)/7253/2021

PUTUL NATH AND 3 ORS.

W/O- LATE SURYA NATH , R/O- LALGANESH, ADAGUDAM, HOUSE NO- 12,
SRIBHUMI NAGAR PATH, POST OFFICE- ODALBAKRA, P.S- DISPUR, DIST-
KAMRUP (M), ASSAM

2: PARESH NATH

S/O-LATE SURYA NATH
R/O- LALGANESH
ADAGUDAM
HOUSE NO- 12
SRIBHUMI NAGAR PATH
POST OFFICE- ODALBAKRA
P.S- DISPUR
DIST- KAMRUP (M)
ASSAM

3: KUNDAN NATH

S/O- LATE SURYA NATH
R/O- LALGANESH
ADAGUDAM
HOUSE NO- 12
SRIBHUMI NAGAR PATH
POST OFFICE- ODALBAKRA
P.S- DISPUR
DIST- KAMRUP (M)
ASSAM

4: SHIBU NATH

S/O-LATE SURYA NATH
R/O- LALGANESH
ADAGUDAM
HOUSE NO- 12
SRIBHUMI NAGAR PATH
POST OFFICE- ODALBAKRA

P.S- DISPUR
DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP BY THE COMMISSIONER AND SECRETARY , GOVT. OF ASSAM,
DEPARTMENT OF REVENUE, DISPUR , GHY-06, KAMRUP (M), ASSAM

2:THE DEPUTY COMMISSIONER
GUWAHATI
PIN- 781001
KAMRUP (M)
ASSAM

3:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
BASISTHA CHARIALI
GUWAHATI
PIN- 781029
KAMRUP (M)
ASSAM

4:THE ADDITIONAL DISTRICT MAGISTRATE
KAMRUP (METRO)
GUWAHATI
PIN- 781001
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

01.04.2024

Heard Mr. P.K. Munir, learned counsel for the petitioners. Also heard Ms. U. Das, learned Addl. Senior Government Advocate for the respondent Nos. 2, 3 & 4 and Mr. A. Bhattacharya, learned Standing Counsel Revenue for respondent No. 1.

By filing this writ petition, the petitioners are challenging the order of the Addl. District Magistrate, Kamrup Metropolitan District, Guwahati dated 28.10.2021, whereby the Next of Kin Certificate issued in the name of the petitioners were cancelled.

The facts of the case is that on the death of Bindeswari Prasad, the petitioners being the legal heir applied for the Next of Kin Certificate and the same was granted in their names by Order dated 06.01.2017. Subsequently, the aforesaid Next of Kin Certificate was cancelled on 28.10.2021 without giving any opportunities to the petitioners. Accordingly, the present writ petition has been filed.

I have heard the submissions made at the bar.

It appears that the Next of Kin Certificate issued in the name of the petitioners were cancelled by the impugned Order dated 28.10.2021, without affording any opportunities to the petitioners. Therefore, the said act is illegal.

It further appears that the petitioner No. 4 had filed an application before the Court of the Addl. Deputy Commissioner, Kamrup at Guwahati for withdrawing the impugned Order dated 28.10.2021, whereby the Next of Kin

Certificate issued in favour of the petitioners were cancelled. It further appears that the aforesaid application is still pending.

Considering that the impugned order was passed cancelling the Next of Kin Certificate issued in favour of the petitioners without affording any opportunities to the petitioners and that the application of the petitioners for reviewing the said cancellation order is pending, this Court is of the considered view that, for the ends of justice, this petition can be disposed of with a direction to the respondent authorities, particularly the Addl. District Magistrate, Kamrup to consider the matter afresh by hearing all the parties including the legal heirs.

Needless to clarify that the petitioners are at liberty to place all related documents before the authorities at the time of the hearing.

The exercise shall be completed within a period of 1 (one) month from the date of receipt of a certified copy of this order.

Resultantly, the impugned Order dated 28.10.2021 passed by the Addl. District Magistrate, Kamrup Metropolitan District, Guwahati is hereby set aside and quashed.

This writ petition stands disposed of.

JUDGE

Comparing Assistant