

GAHC010280252023



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

Case No. : I.A.(Civil)/3746/2023
In WA No.9999/2023 (Filing Number)

1. THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI- 6.

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM PERSONNEL (B) DEPARTMENT
DISPUR, GUWAHATI- 6

VERSUS

1. DEBANANDA BHARALI AND 4 ORS.
S/O LATE UPEN BHARALI,
VILL.- GHILAMARA, DHEMAJI, ASSAM.

2:THE PRINCIPAL SECRETARY
GOVT. OF ASSAM
IRRIGATION DEPARTMENT
GUWAHATI- 6.

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT
DISPUR GUWAHATI.

4:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
CHANDMARI GUWAHATI - 3.

5:THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT
DHEMAJI DIVISION

For the Applicant(s) : Mr. D. Nath, Senior Government Advocate, Assam.
For the Respondent : Mr. D.P. Chaliha, Senior Advocate assisted by Ms. M. Roy,
Advocate for respondent No.1.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

03.05.2024

(Vijay Bishnoi, CJ)

The matter comes for consideration of I.A.(Civil) No.3746/2023, filed by the applicants under Section 5 of the Limitation Act, 1963 with a prayer to condone the delay of 170 days occasioned in preferring the connected writ appeal.

Mr. D. Nath, learned Senior Government Advocate, Assam appearing for the applicants has submitted that in identical appeals, the delay has already been condoned and the said appeals have also been admitted.

Mr. D.P. Chaliha, learned Senior Counsel appearing for the respondent No.1 is not in a position to dispute the aforesaid fact.

Under such circumstances, the instant Interlocutory Application is allowed and the delay of 170 days in preferring the connected writ appeal is condoned.

Registry is to number the connected writ appeal and list the same before this Court after 10(ten) days for admission.

The instant Interlocutory Application stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant