

GAHC010066692026



DB

2026:GAU-AS:5116-

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

Case No. : I.A.(Civil)/1088/2026

DIGANTA SAIKIA AND 3 ORS.
(MEMBER, WARD NO.1 OF 14 NO GILADHARI MUKH GAON PANCHAYAT),
SON OF LATE SONARAM SAIKIA, VILL- GHILADHARI MUKH, PO-
TEWARIPAL, PS-SOOTE, DIST-BISWANATH, ASSAM, PIN-784175 MOBIL-
9101757387

2: RAJIV MISRA
MEMBER
WARD NO.2 OF 14 NO GILADHARI MUKH GAON PANCHAYAT SON OF
KHAGEN MISHRA VILLAGE-ADABHETI
PO-TEWARIPAL PS-SOOTE
DIST-BISWANATH ASSAM PIN-784175
MOBILE-9101787472

3: GAHUR ALI
MEMBER
WARD NO.3 OF 14 NO GILADHARI MUKH GAON PANCHAYAT SON OF
ABDUL RAHIM VILLAGE-NO.2 ADAVETI
PO-TEWARIPAL PS-SOOTE
DIST-BISWANATH ASSAM PIN-784175
MOBILE-7663002425

4: SAMSUL ISLAM
MEMBER
WARD NO.7 OF 14 NO GILADHARI MUKH GAON PANCHAYAT SON OF
SAHAJAL HAQUE VILLAGE-NA ADAVATI KALAKATI NO.1 PO-TEWARIPAL
PS-SOOTE
DISTRICTBISWANATH ASSAM
PIN-784175 MOBILE-910108663

VERSUS

BURHAN ALI AND 12 ORS.

(MEMBER, WARD NO.9 OF 14 NO GILADHARI MUKH GAON PANCHAYAT)
SON OF MD. ABDUL KADER, VILLAGE-KALAKATI, PO-TEWARIPAL, PS-
SOOTEA, DISTRICT-BISWANATH, ASSAM, PIN-784175

2:MOFIDA KHATUN

MEMBER

WARD NO.6 OF 14 NO GILADHARI MUKH GAON PANCHAYAT WIFE OF
ABDUL KASEM VILLAGE-BAKRRAPATTA
PO-BAKRRAPATTA PS-SOOTEA
DISTRICT-BISWANATH
ASSAM
PIN-784175

3:HASINA KHATUN

MEMBER

WARD NO.4 OF 14 NO GILADHARI MUKH GAON PANCHAYAT WIFE OF
AMJAD ALI VILL-NO.2 ADAVETI
PO-TEWARIPAL
PSSOOTEA
DISTRICT-BISWANATH
ASSAM
PIN-784175

4:NURJAHAN BEGUM

MEMBER

WARD NO.5 OF 14 NO GILADHARI MUKH GAON PANCHAYAT WIFE OF
ABDUL KARIM VILL-NO.2 ADAVETI
PO-TEWARIPAL
PSSOOTEA
DISTRICT-BISWANATH
ASSAM
PIN-784175

5:AJIRON KHATUN

MEMBER

WARD NO.8 OF 14 NO GILADHARI MUKH GAON PANCHAYAT WIFE OF
SAFIKUL ISLAM VILL-UTTAR KALAKATI
PO-TEWARIPAL
PSSOOTEA
DISTRICT-BISWANATH
ASSAM
PIN-784175

6:AMINA KHATUN

MEMBER

WARD NO.10 OF 14 NO GILADHARI MUKH GAON PANCHAYAT WIFE OF
SAMSHUL ISIAM VILL-NO.2 BHOJMARI
PO-TEWARIPAL

PSSOOTE
DISTRICT-BISWANATH
ASSAM
PIN-784175

7:THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM
PANCHAYAT RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI781006

8:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
GUWAHATI781037

9:THE DISTRICT COMMISSIONER

BISWANATH
DISTRICT-BISWANATH ASSAM
PIN784176

10:THE CHIEF EXECUTIVE OFFICER
BISWANATH ZILLA PARISHAD
PO PS-BISWANATH
DISTRICT-BISWANATH ASSAM
PIN784176

11:THE BLOCK DEVELOPMENT OFFICER
BISWANATH DEVELOPMENT BLOCK -CUMEXECUTIVE OFFICER AND
SECRETARY
BISWANATH ANCHALIK PANCHAYAT
BURIGANG
POBURIGANG
PS-BISWANATH
DISTRICTBISWANATH ASSAM
PIN-784176

12:THE AUTHORIZED OFFICER
OF FIRST MEETING HELD ON 27.06.2025 FOR OATH TAKING AND
ELECTION OF PRESIDENT AND VICE-PRESIDENT OF 14 NO GILADHARI
MUKH GAON PANCHAYAT
DISTRICT-BISWANATH ASSAM
PIN-784176

13:THE SECRETARY
14 NO GILADHARI MUKH GAON PANCHAYAT

KARAYANI
TEWARIPAL
PS-SOOTE
DISTRICTBISWANATH ASSAM
PIN- 78417

Advocate for the Petitioner : P. GHOSH, MR. A M AHMED,MR H R A CHOUDHURY,MR. M K HUSSAIN

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE

**HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

07-04-2026

(Arun Dev Choudhury, J)

1. We have heard Mr. A.M Ahmed, learned counsel for the applicants. Also heard Mr. S. Dutta, learned Standing Counsel, P&RD Department for the respondents/ opposite parties.
2. The present Interlocutory Application has been filed by the applicants seeking condonation of the delay of **31** days in preferring the connected Review Petition seeking review of the order dated 18.12.2025 passed in WA No. 411/2025.
3. By the aforesaid order, the Writ Appeal was dismissed upholding the Judgment & Order dated 08.12.2025 passed by the learned Single Judge in WP(C) No. 5918/2025.

4. In paragraph No. 11 of this application, the applicants have cited the reasons for the delay in preferring the connected Review Petition.

5. Mr. Dutta, learned Standing Counsel, P&RD Department submits that he has no instruction to object to the present application.

6. We have heard the learned counsel for the parties.

7. The length of the delay is indeed a relevant factor to be considered when deciding an application for condonation of delay. However, when sufficient causes are shown, the discretion vested in the Courts to condone delay is to be exercised, though sufficient cause shall not mean a mere explanation given superficially.

8. In the case in hand, we have found that the applicants have sufficiently explained the reasons for the delay and have substantiated that, for reasons beyond their control, they were deflected from approaching the Court promptly and within the prescribed period of limitation. We do not see any negligence, lack of bona fide, or inaction on the part of the applicants and at the same time, the personal liberty of the applicants is to be examined in the connected appeal.

9. Based on the available materials, it cannot be said that the applicants were not diligent or that the delay was intentional.

10. Thus, having considered the explanation tendered by the applicants, this Court is satisfied that the delay occasioned in preferring the connected Review Petition was neither deliberate nor actuated by negligence but resulted from bona fide circumstances beyond the

control of the applicants. In the absence of gross laches or mala fide intention attributable to the applicants, this Court would lean in favour of the adjudication on merits.

11. Accordingly, the delay of **31** days, stands condoned.

12. The instant Interlocutory Application stands allowed and disposed of.

13. The Registry shall process the connected Review Petition and, if found defect-free, list it under the appropriate heading, preferably on **01.06.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant