GAHC010096822026

2026:GAU-AS:16715-DB

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

Case No. : I.A.(Civil)/1650/2026

FERDAUS RAHMAN MAZUMDER
S/O. LT. NAZIM UDDIN MAZUMDER, R/O. VILL.- BILPAR DHUMKAR, P/O. RANGAUTI, P/S. AND DIST. HAILAKANDI, ASSAM, PIN-788155

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
HAILAKANDI CU
DISTRICT ELECTION OFFICER
HAILAKANDI

3:THE BLOCK DEVELOPMENT OFFICER
ALGAPUR DEVELOPMENT BLOCK

4:THE ASSAM STATE ELECTION COMMISSION
REP. BY ITS SECRETARY
DISPUR
GUWAHATI-06

5:THE SECRETARY
RANGAUTI GAON PANCHAYAT
P/O. RANGAUTI
P/S. AND DIST. HAILAKANDI
PIN-788155

6:THE DEPUTY DIRECTOR FOR SANSKRIT EDUCATION
ASSAM

KAHILIPARA
GUWAHATI-19

7:MIZAJUR RAHMAN MAZUMANDER
S/O. LT. ALA UDDIN MAZUMDER
R/O. BILPAR DHUMKAR
P/O. RANGAUTI
P/S. HAILAKANDI
DIST. HAILAKANDI
ASSAM
PIN-78815

For the Applicant(s) : Mr. K. Mira, Advocate

For the Respondent(s) : Mr. P. Thapa, Standing Counsel, P&RD.
: Mr. S. Baruah, Jr. Govt. Advocate, Assam.
: Mr. R. Dubey, Standing Counsel, ASEC.

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

13.11.2026
(K. Goswami, J)

We have heard Mr. K. Mira, learned Advocate for the applicant; Mr. P. Thapa, learned Standing Counsel, P&RD for the respondent Nos. 1, & 5; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent Nos.2 & 3; Mr. R. Dubey, learned Standing Counsel, ASEC for the respondent No. 4.

2. By way of this interlocutory application filed under Section 5 read with Section 14 of the Limitation Act, 1963, the applicant seeks condonation of the delay of 9 days in preferring the connected appeal against the judgment and order dated 13.03.2026 passed by a learned Single Judge of this Court in WP(C) No.5686/2025.

3. The learned Advocate for the applicant submits that although the judgment dismissing the writ petition was pronounced on 13.03.2026, the same was uploaded online only on 31.03.2026. Upon being informed about the dismissal of the writ petition, the applicant applied for a certified copy on 27.03.2026, which was delivered on 31.03.2026. However, being a resident of Hailakandi district, the applicant could collect the same from his newly engaged counsel only on 10.04.2026. Thereafter, the Court remained closed on account of Bihu Vacation till 19.04.2026.

It is further submitted that owing to financial constraints, the applicant could not immediately arrange for the expenses required for preferring the appeal. Upon arranging the necessary funds, the applicant approached his newly engaged counsel on 02.05.2026, whereafter the appeal was prepared and filed on 07.05.2026.

The learned counsel accordingly submits that the delay of 9 (nine) days in preferring the appeal was neither deliberate nor intentional, but occasioned by *bona fide* circumstances, including the Bihu Vacation and the applicant's financial constraints. It is, therefore, prayed that the delay be condoned in the interest of justice.

4. Learned Advocates appearing for the respondents have fairly submitted that they have received no instructions to oppose to the prayer for condonation of delay.

5. Having heard the learned counsel for the parties and considering the averments made in the application, we are satisfied that the

applicant has sufficiently explained the delay. The chronology of events discloses sufficient cause, and there is nothing to suggest that the delay was deliberate, *mala fide*, or due to gross negligence.

6. That being so, the delay of 9 days in filing the connected appeal is hereby condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected appeal and list the same on **08.01.2027** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant