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

Case No. : I.A.(Civil)/3503/2026

THE CHIEF EXECUTIVE OFFICER AND ANR.
LAKHIMPUR ZILLA PARISHAD CUM PROJECT DIRECTOR, DRDA,
LAKHIMPUR, PIN- 787001.

2: THE BLOCK DEVELOPMENT OFFICER
TELAHI DEVELOPMENT BLOCK
NORTH LAKHIMPUR
ASSAM
PIN-78700

VERSUS

SRI PRASANNA DAS AND ORS.
S/O KENAI DAS, RESIDENT OF AMTOLA, P.O.-AMTOLA, P.S.-PANIGAON,
DISTRICT-LAKHIMPUR, ASSAM, PIN-787052.

2:GOVERNMENT OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-6.

3:THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-6.

4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE DEPARTMENT
DISPUR
GUWAHATI-6.

5:CIRCLE OFFICER
NORTH LAKHIMPUR REVENUE CIRCLE
NORTH LAKHIMPUR

PIN-787001. .PROFORMA RESPONDENT DEFENDANT NOS. 1
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Advocate for the Petitioner : SUDIPTA DUTTA, A K GHOSE,MS P THAPA

Advocate for the Respondent : GA, ASSAM, BHASKAR DUTTA(R1),MR. U DUTTA(R1),SC, REVENUE

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 15.10.2026

Learned counsel Mr. S. Dutta is present for the applicant/appellant and Mr. D.K.Bhattacharyya, learned Government Advocate is present for respondent Nos. 2, 3 and 5. Learned Standing Counsel Mr. J. Handique is present for the Revenue Department.

2. An affidavit has been filed relating to the Dasti service of notice on the private respondent. It is submitted through the affidavit that notice served to the private respondent Sri Prasanna Das has been received by his wife. Today the private respondent is not represented.

3. This interlocutory application has been filed by the appellant/applicant with prayer for condonation of delay of 388 days in preferring the connected first appeal.

4. It is submitted that impugned Judgment and Decree was pronounced on 29.05.2025 in connection with Money Suit No.3/2023. The office of the applicant did not receive any communication intimating the pronouncement of the impugned Judgment and Decree. The applicant learnt about the Decree only on receipt of notice issued by the learned Civil Judge, Senior Division,

Lakhimpur for realization of the decretal amount of Rs. 25 lacs on 05.08.2025. Then the matter was taken up for examination at the administrative level. The Deputy Commissioner, Lakhimpur vide Communication dated 12.08.2025 requested the Chief Executive Officer, Lakhimpur Zilla Parishad to look into the matter. The concerned Block Development Officer had also communicated with the applicant on 13.08.2025. After preliminary examination, the matter was referred to the Commissioner, Panchayat and Rural Development, Assam, vide communication dated 19.09.2025. Thereafter, vide letter dated 24.09.2025, the applicant formally requested the learned Senior Standing Counsel, Panchayat and Rural Development Department to take steps to challenge the impugned Judgment and Decree. Immediately thereafter, the court remained closed on account of notified long vacation from 28.09.2025 up to 10.10.2025. On re-opening, the learned Senior Standing Counsel examined the matter and considering the volume of the records and factual and legal issues involved, entrusted the records to the learned Additional Standing Counsel for detailed scrutiny.

5. It is submitted that there was no malafide on the part of the applicant. No objection has been raised by the learned Government Advocate and the learned Standing Counsel, Revenue Department. It is submitted on behalf of the respondents that the matter may be taken up and decided on merits, as this is a case relating to Government funds amounting to Rs. 25 lacs.

6. I have also considered the submissions at the bar with circumspection.

7. Sufficient grounds have been shown. No malafide is discernible. It appears that delay may be condoned. Thereby, the delay of 388 days in preferring the connected first appeal is hereby condoned.

8. Registry to register the connected first appeal.

9. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant