

GAHC010055862023



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

Case No. : WP(C)/1523/2023

NURMAHAMMAD MULLAH
S/O- LATE ABDUL HAQUE @ ABDUL HAQUE MULLAH, R/O- VILL.-
BALAPARA, P.O. BARGHOL, P.S. TARABARI, DIST. BARPETA, ASSAM, PIN-
781301.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT (L.R.)
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER

LOWER ASSAM DIVISION
PANBAZAR
GUWAHATI-1.

4:THE DEPUTY COMMISSIONER
BARPETA
P.O. AND P.S. BARPETA
PIN- 781301.

5:ADDITIONAL DEPUTY COMMISSIONER
BARPETA
PIN- 781301.

6:CIRCLE OFFICER
BARPETA
PIN- 781301.

7:MOKBUL HUSSAIN
S/O- GARJAN KHAN
R/O- VILL.- BALAPARA
P.O. BARGHOL
DIST. BARPETA
ASSAM
PIN- 781301

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/1549/2023

DILBAR HUSSAIN
SON OF KHURSED ALI

RESIDENT OF VILLAGE- BELORTARI

P.O.- BARGHOL
P.S.- BARPETA

DISTRICT- BARPETA
ASSAM

PIN- 781302.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM

REVENUE AND DISASTER MANAGEMENT (L.R.) DEPARTMENT

DISPUR
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.

DISPUR

GUWAHATI-6.

3:THE COMMISSIONER

LOWER ASSAM DIVISION

PANBAZAR AT GUWAHATI-1.

4:THE DEPUTY COMMISSIONER

BARPETA

P.O. AND P.S. BARPETA

PIN- 781301.

5:ADDITIONAL DEPUTY COMMISSIONER

BARPETA

PIN- 781301.

6:CIRCLE OFFICER

BARPETA

PIN- 781301.

7:RANJIT BHARALI

SON OF BHUMIDHAR BHARALI

RESIDENT OF VILLAGE- DOKRESWAR

P.O.- BHOGERPAR

P.S.- BARPETA

DISTRICT- BARPETA

ASSAM

PIN- 781309.

Advocate for : MR. S K DAS

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 27-03-2023

Heard Mr. S.K. Das, learned counsel for the writ petitioner. Also heard Mr. H. Sarma,

learned Addl. Sr. Govt. Advocate, Assam as well as Mr. J. Handique, learned standing counsel, Revenue & Disaster Management, Assam who have submitted on instructions that process of disposal of the statutory appeal preferred by the petitioner is under progress and the jurisdictional Divisional Commissioner would pass appropriate order therein after hearing the petitioners and the affected parties.

Since there is no wrangle at the bar that a remedy in the form of appeal under Rule 162(C) of the Executive Instruction framed under the Assam Land and Revenue Regulation, 1881 would be maintainable in this case and considering the fact that the petitioner is assailing the selection and/ or appointment of the private respondent as Gram Pradhan on the grounds stated in the writ petition, it will be the primary duty of the appellate authority to look into the grievance of the petitioner and pass appropriate order(s) therein supported by proper reasons.

As such, without expressing any opinion on the merit of the case, this writ petition stands disposed of by providing that the appeal preferred by the petitioner be heard and dispose of, as expeditiously as possible, but not later than 60 days from the date of receipt of a certified copy of this order.

Insofar as the prayer for interim relief is concerned, from the materials available on record, it is not clear as to whether the order of appointment as Gram Pradhan has already been issued in favour of the private respondent or not. Therefore, it is provided that, if no order of appointment has been issued to the private respondent, till date, the same shall not be issued without proper verification of the allegations made by the writ petitioner.

With the above observation, these writ petitions stand disposed of.

JUDGE

GS

Comparing Assistant