

GAHC010253092023



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

Case No. : WP(C)/6562/2023

PIARUL HOQUE
S/O- ABDUR RAHMAN,
R/O- VILLAGE UTTAR ATHIABARI,
P.O AND P.S- BARPETA ROAD, DIST- BARPETA, ASSAM, PIN-781315

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY, TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT (L.R),
ASSAM SECRETARIAT, DISPUR, GUWAHATI-06

2:THE PRINCIPAL SECRETARY

TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATION (B) DEPARTMENT
DISPUR
GUWAHATI- 06

3:DISTRICT COMMISSIONER
(ERSTWHILE DEPUTY COMMISSIONER)

BARPETA

P.O AND P.S- BARPETA
PIN-781301

4:ADDITIONAL DEPUTY COMMISSIONER
(OFFICE OF THE DISTRICT COMMISSIONER) BARPETA

P.O AND P.S- BARPETA
PIN-781301

5:SHANTANU SAHA
S/O- SHYAMAL KANTI SAHA

R/O- VILLAGE UTTAR AATHIABARI

P.O AND P.S- BARPETA ROAD

DIST- BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 17/11/2023

Heard Mr. S. K. Das, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, GAD and Mr. S. Dutta, learned standing counsel, revenue department.

2. This writ petition is filed by the petitioner aggrieved that the appeal which was pending before the erstwhile office of Divisional Commissioner, Lower Assam Division has been abolished by notification dated 17.07.2023 and all statutory and administrative powers, which were earlier exercised by Divisional Commissioner were required to be exercised by the Commissioner and Secretary/Principal Secretary, General Administration Department, Government of Assam.

3. It is submitted that all the appeals which were pending are required to be now addressed by the Principal Secretary, General Administration Department,

Government of Assam. The petitioner is aggrieved by the selection of respondent No.5 as the Gaonburah of Charge No. 21 of Gobardhana Mouza in the Circle of Barnagar in the district of Barpeta.

4. The challenge was made to the selection of the respondent No.5, on the ground that he did not fulfill the essential qualifications and satisfy the norms specified in the advertisement. The earlier writ petition which was filed by the petitioner questioning this selection was disposed of by order dated 12.05.2023 passed in WP(C)/2285/2023. By the said order the writ petition was disposed of, directing the petitioner to prefer an appeal before the statutory authority and the appellate authority will dispose of the same within a period of 60 (sixty) days from the date of receipt of a certified copy of that order. It is submitted that pursuant to the filing of the appeal and which was also admitted, no hearing took place. In the meantime, the Government of Assam vide order dated 17.07.2023 had issued an order abolishing the office of the Divisional Commissioner, Lower Assam Division and all statutory and administrative powers have been transferred to the Principal Secretary, General Administration Department. It is at this stage the petitioner has approached this Court with a prayer that the appeal preferred by the petitioner and which was admitted being Appeal Case No. RR 16 of 2023 has remained pending and no orders have been passed thereon.

5. Mr. A. Phukan, learned standing counsel was permitted to obtain their instructions. Today with the matter is called up, Mr. A. Phukan, learned Standing counsel, GAD has placed before this court notification issued on 16.11.2023 by the General Administration Department, whereby all appeals relating to Gaon Pradhan (Gaonburah) as per the Assam Land Revenue Regulation, 1886, Clause number 162 have been transferred to the Revenue and Disaster Management

Department. The respective departments under whom any such papers and files relating to such appeals available are directed to transfer the same to the Revenue and Disaster Management Department.

6. In that view of the matter, this Court is of the considered opinion that writ petition can be disposed of directing the Department of Revenue and Disaster Management, Assam to expeditiously dispose of the pending appeal of the writ petitioner being Appeal Case No. RR 16 of 2023 within a further period of 60 (sixty) days from the date of receipt of a certified copy of this order.

7. Copies of the notification dated 16.11.2023 are retained in the case records.

8. Accordingly, writ petition stands disposed of in terms of the above. No order as to cost.

9. Any pending I/As also disposed of, if any.

JUDGE

Comparing Assistant