

GAHC010265692023



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

Case No. : I.A.(Civil)/3477/2023

HOIJUDDIN KHANDAKAR
S/O- LATE HAMID ALI,
R/O- VILLAGE- SALIKAJHAR,
P.O.- BURHA, DISTRICT- DARRANG,
ASSAM, PIN- 784148.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY, REVENUE
DEPARTMENT, GOVT. OF ASSAM, DISPUR, GUWAHATI-06.

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, GAD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.12.2023

Heard Mr. P. Mahanta, learned counsel for the applicant. Also heard Mr. P. Nayak, learned Standing Counsel, GAD.

It is submitted that on 17.11.2023 when the writ petition being WP(C) No.6599/2023 was called up and was disposed of by order dated 17.11.2023, the order dated 16.11.2023 issued by the Additional Chief Secretary of the General Administrative Department, whereby there was a bifurcation in terms of the works allotted to the various departments. So far as the appeals relating to the Gaon Pradhan under the Assam Land and Revenue Regulation, 1986 Clause no. 162 are concerned, the same are transferred to be dealt with by the Revenue and Disaster Department. Leaned counsel for the petitioner submits that on the day when this Court had disposed of the WP(C) No.6599/2023 vide order dated 17.11.2023, this order was not available with him in spite of due diligence. As such, the directions passed by this Court by order dated 17.11.2023 requires modification to that extent.

By order dated 17.11.2023 at Paragraph-7 following directions were issued by this Court, which is quoted herein below:

“7. Considering the aforesaid submission, the instant writ petition is disposed of by directing the present appellate authority namely, the Principal Secretary, GAD, Government of Assam to take on board the appeal by getting the records called from the erstwhile appellate authority and dispose of the appeal expeditiously and preferably within an outer limit of 45 days from today as there was already a direction of this Court in WP(C)/6202/2023 for disposal of the appeal within 60 days.”

However, by notification dated 16.11.2023 the appeals relating to Gaon

Pradhan were transferred to Revenue and Disaster Management Department.

Upon hearing the learned counsel for the parties and upon perusal of the notification dated 16.11.2023 issued by the Additional Chief Secretary, GAD, Government of Assam, it is seen that the appeals relating to the Gaon Panchayat are transferred to Revenue and Disaster Management Department. This notification although issued on 16.11.2023 was not placed before this Court when the order dated 17.11.2023 was passed disposing of the WP(C) No.6599/2023

Accordingly, the I.A. stands allowed.

The Paragraph-7 of the order dated 17.11.2023 passed in WP(C) No.6599/2023, whereby direction was given to the *appellate authority namely, the Principal Secretary, GAD, Government of Assam* to dispose of the appeal, shall now be read as *the Appellate Authority, the Commissioner and Secretary, Revenue and Disaster Management Department* and the pending appeals be decided by the Appellate Authority, namely, the Commissioner and Secretary, Revenue and Disaster Management Department in terms of notification dated 16.11.2023.

This order shall be read together with the order dated 17.11.2023 passed in WP(C) No.6599/2023.

I.A. stands disposed of.

JUDGE

Comparing Assistant