

GAHC010268832022



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

Case No. : WP(C)/8412/2022

MAHMUDA FIRUJ
WIFE OF ALI AKBAR,
RESIDENT OF VILLAGE- JORGORH,
P.O.- BHOJKHOWA CHAPORI,
P.S.- TEZPUR, MOUZA- MAHABHAIRAB,
DISTRICT- SONITPUR, ASSAM,
PIN- 784027.

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI - 781006.

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.

RUPNAGAR
GUWAHATI- 781032.

3:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR CUM CHAIRMAN
SELECTION COMMITTEE OF GAON PRADHAN
DISTRICT- SONITPUR
PIN- 784105.

4:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
SONITPUR
TEZPUR
DISTRICT- SONITPUR

PIN- 784105.

5:RAJIBUL ISLAM
SON OF NURUL ISLAM

VILLAGE- KEROIANI NEPALI

P.S.- TEZPUR
DISTRICT- SONITPUR

ASSAM
PIN- 784025

Advocate for the Petitioner : MR. P K SARMA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 10-03-2023

Heard Mr. R. De, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned Standing Counsel, Revenue and Disaster Management Department, Assam appearing for the respondent Nos.1 and 2 and Mr. R. Dhar, learned Govt. Advocate, Assam appearing for the respondent Nos.3 and 4. Mr. S. Alom, learned counsel is present on behalf of respondent No.5.

By filing this writ petition the petitioner has challenged the selection and appointment of respondent No.5 to the post of Gaon Pradhan of Lot No.4 under Mahabhairav Mouza in the district of Sonitpur, Assam. By taking note of the case projected in the writ petition the learned Single Judge, while issuing notice of motion in this writ petition, had passed an interim order dated

09.01.2023 restraining the respondent No.5 from serving as the Gaon Pradhan of Lot No.4 until further orders. Consequently, the Deputy Commissioner, Sonitpur i.e. the respondent No.3 has issued order dated 22.02.2023 implementing the interim order passed by this Court by assigning the work of the Gaon Pradhan of Lot No.4 under Mahabhairav Mouza to the nearest Gaon Pradhan.

Today when the matter is called up, Mr. Alom has placed reliance on an order passed by the Division Bench of this Court on 30.07.2022 in connection with Writ Appeal No.227/2022 to submit that the order of appointment of the respondent No.5 as the Gaon Pradhan is appealable under Rule 162C of the Executive Instructions framed under the Assam Land & Revenue Regulations and therefore, there is an alternative remedy available to the petitioner. In view of the above, this writ petition be closed.

There is no dispute at the bar that Rule 162C of the Executive Instructions provides appellate remedy to any person aggrieved in such matters. In view of the above and as agreed to by learned counsel for both the sides, this writ petition is being disposed of by granting 7 (seven) days time to the petitioner to prefer an appeal before the concerned Divisional Commissioner. If such an appeal is filed within seven days from today by enclosing a certified copy of this order, the same be entertained by the appellate authority and the appeal be disposed of by a reasoned order after hearing all the interested parties. The order, as directed by this Court, be passed as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a certified copy of this order. Until such time, the appeal is disposed of, the interim order dated 09.01.2023 shall continue to hold the field.

The writ petition stands disposed of accordingly.

JUDGE

TUC

Comparing Assistant