

GAHC010017952024



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

Case No. : WP(C)/473/2024

ABDUL KADIR
S/O LATE KURBAN ALI
A RESIDENT OF VILL- NO. 2 BARCHALA
P.O GURUKHUTI, P.S. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE PRINCIPAL SECRETARY

TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER

MORIGAON
ASSAM

4:THE GAON PRADHAN SELECTION COMMITTEE

MORIGAON

(TO BE REP. BY THE DEPUTY COMMISSIONER
MORIGAON
ASSAM)

5:THE CIRCLE OFFICER

LAHORIGHAT REVENUE CIRCLE
LAHORIGHAT
MORIGAON
ASSAM

6:BHASKAR JYOTI PATOR
VILL- 2 NO. BARCHALA VILLAGE

P.O. BARCHALA
P.S.LAHARIGHAT

DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 02-02-2024

Heard Mr. M.A.I. Hussain, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The petitioner is challenging the selection and appointment of respondent No. 6 as Gaon Pradhan of No. 2 Barchala village in the district of Morigaon, inter-alia, on the ground that the respondent No. 6 has been selected on political consideration.

Mr. Hussain further submits that the earlier order of this Court, directing the respondents to dispose of the appeal preferred by the petitioner under Rule 162(C) of the Executive Instruction framed under Assam Land and Revenue Regulation, has not been

complied with till today.

Mr. J. Handique, learned standing counsel, Revenue Department, Assam submits that due to the abolition of the post of Divisional Commissioner, there was some delay and disruption in the process of disposal of the appeals but recently i.e. on 01-02-2024, a fresh notification has been issued constituting the Director of Land Records and Survey as the appellate authority. Therefore, the matters would now be expedited. Mr. Handique has also produced the copy of the notification dated 01-02-2024. I have perused the same.

Ms. M. Bhattacharyya, learned Addl. Sr. Govt. Advocate, Assam has supported the stand taken by the learned standing counsel, Revenue Department.

In view of the above and considering the intervening developments taking place in the matter leading to the delay in disposal of the pending appeal originally instituted before the Divisional Commissioner, who was the appellate authority at that point of time, although this would amount to issuance of a second direction to the authorities to dispose of the appeal in a time bound manner, yet, I am of the view that due to change in the appellate authority, the facts and circumstances of the case would justify such an order being passed by this Court. The learned counsel for the parties have also agreed to the same.

As such, it is hereby provided that the records of the appeal instituted by the petitioner be transmitted before the appellate authority within 02 weeks from the date of receipt of a certified copy of this order so as to enable him to dispose of the appeal on merit, within the prescribed timeframe, as appearing in the notification dated 01-02-2024.

With the above observation, this writ petition stands disposed of.

JUDGE

GS

Comparing Assistant