

GAHC010035242024



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

Case No. : WP(C)/1074/2024

NAMITA RANI BASAK
W/O- SRI NIBAS BASAK @ CHENIBASH BASAK, RESIDENT OF BIJNI TOWN
(AMGURI), P.O. BIJNI, P.S. BIJNI, DISTRICT- CHIRANG, BTAD, ASSAM, PIN-
783390

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE AND D.M DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DISTRICT COMMISSIONER
CHIRANG DISTRICT
KAJALGAON
B.T.A.D.
ASSAM

3:THE CIRCLE OFFICER
BIJNI REVENUE CIRCLE
BIJNI
P.O BIJNI
DISTRICT- CHIRANG
B.T.A.D
ASSAM

4:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
B.T.C
KOKRAJHAR ASSAM

5:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL

REVENUE DEPARTMENT
KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : SC, BTC

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

13-03-2024

Heard Shri S. Nath, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel Revenue and Disaster Management Department for the respondent no. 1; Ms. M. Barman, learned State Counsel for the respondent no. 2 and Shri R. K. Mushahary, learned Standing Counsel, BTC for the respondent nos. 3, 4 & 5.

Considering the subject matter and as agreed to by the learned counsel for the parties, this writ petition is disposed of at the motion stage. It may however be noted that the matter was taken up earlier on 28.02.2024 when the learned counsel for the respondents were directed to obtain instructions.

The grievance of the petitioner pertains to non-disposal of a mutation proceedings initiated on an application filed by the petitioner.

Shri Nath, the learned counsel in this regard has referred to the letter dated 03.11.2023 of the respondent no. 3.

The learned counsel for the respondents have however submitted that the subject matter involved would fall within the ambit of the ***Assam Right to Public Service Act, 2012***. It is also submitted that in the meantime, number of petitions have been disposed of by directing the petitioners to take recourse

under the said Act of 2012.

The aforesaid Act of 2012 provides for delivery of notified public service within a stipulated time for matters connected thereto and mutation is one of the notified service within the meaning of Section 2(i) of the Act. Section 5 of the Act also stipulates the time frame for disposal of such applications. The Section 8 of the Act even provides for an appeal before the appellate authority.

In this connection, an Office Memorandum dated 21.12.2020 has also been published by the Revenue Department laying down the procedure for availing the services including issuance of demarcation certificate.

In view of the above, the instant petition has disposed of by directing the petitioner to approach the appropriate authority under the aforesaid Act of 2012 within a period of 15 (fifteen) days from today and in the event such an application is filed, the same is required to be considered and disposed of within the time stipulated by the said Act and the Office Memorandum mentioned above.

Writ petition stands disposed of.

JUDGE

Comparing Assistant