

GAHC010037692024



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

Case No. : WP(C)/1116/2024

JUGAL KISHOR LAHATI AND 10 ORS
SON OF LT. MEGHRAJ LAHATI, RESIDENT OF VILLAGE- MORIGAON
TOWN, P.O. AND P.S. MORIGAON, PIN- 782105

2: NANDA KISHOR
SON OF LT. MEGHRAJ LAHATI
RESIDENT OF VILLAGE- MORIGAON TOWN
P.O. AND P.S. MORIGAON
PIN- 782105

3: RAJU LAHATI
SON OF LT. MEGHRAJ LAHATI
RESIDENT OF VILLAGE- MORIGAON TOWN
P.O. AND P.S. MORIGAON
PIN- 782105

4: SANTOSH LAHATI
SON OF LT. MEGHRAJ LAHATI
RESIDENT OF VILLAGE- MORIGAON TOWN
P.O. AND P.S. MORIGAON
PIN- 782105

5: SITA RAM LAHATI
SON OF LT. MEGHRAJ LAHATI
RESIDENT OF VILLAGE- MORIGAON TOWN
P.O. AND P.S. MORIGAON
PIN- 782105

6: RADHA DEVI
WIFE OF LT. MEGHRAJ LAHATI
RESIDENT OF VILLAGE- MORIGAON TOWN
P.O. AND P.S. MORIGAON
PIN- 782105

7: BABU LAL HUSSAIN
SONS OF LATE MAHAR ALI
RESIDENT OF VILLAGE- DOLBARI
P.O. SALMARI
P.S. MORIGAON
PIN- 782104

8: IDRSIH ALI
SONS OF LATE MAHAR ALI
RESIDENT OF VILLAGE- DOLBARI
P.O. SALMARI
P.S. MORIGAON
PIN- 782104

9: KUDDUSH ALI
SONS OF LATE MAHAR ALI
RESIDENT OF VILLAGE- DOLBARI
P.O. SALMARI
P.S. MORIGAON
PIN- 782104

10: SAIJUDDIN ALI
SONS OF LATE MAHAR ALI
RESIDENT OF VILLAGE- DOLBARI
P.O. SALMARI
P.S. MORIGAON
PIN- 782104

11: BINA BEGUM
SONS OF LATE MAHAR ALI
RESIDENT OF VILLAGE- DOLBARI
P.O. SALMARI
P.S. MORIGAON
PIN- 78210

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-6

2: THE COMMISSIONER OF MORIGAON DISTRICT
AT MORIGAON
P.O. MORIGAON HEAD OFFICE PIN- 782105
DISTRICT- MORIGAON
ASSA

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 01-03-2024

Heard Mr. M.A. Sheikh, learned counsel for the petitioners; Ms. N. Bordoloi, learned Junior Government Advocate, Assam for the respondent no. 1; and Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent no. 2.

2. It is the case of the petitioners that they have jointly submitted an application seeking the public service, 'Composite Land Sale Transfer' before the competent authority in Morigaon District by submitting an application online on 13.07.2023 and the receipt of said application was duly acknowledged vide Acknowledgement no. NOC/32/28049/2023 dated 13.07.2023.

3. The service, 'Composite Land Sale Transfer' is a notified public service under the provisions of the Assam Right to Public Services Act, 2012. As the petitioners have not received any communication as regards disposal of their application for 'Composite Land Sale Transfer' submitted on 13.07.2023, the petitioners have approached this Court by the present writ petition seeking a direction to the respondents authorities, more particularly, the respondent no. 2 to process and dispose of the application for 'Composite Land Sale Transfer'.

4. In the Application Acknowledgment dated 13.07.2023 generated with Acknowledgement no. NOC/32/28049/2023, it has been stipulated that if the

service is not delivered within 45 days, the applicants can file an appeal at the portal <http://rtps.assam.gov.in/>. It is settled position of law when a statutory appeal is provided for a writ petition under Article 226 of the Constitution of India is not to be ordinarily entertained, unless the statutory remedy of appeal, which is adequate and efficacious, is exhausted by the petitioner.

5. In such view of the matter, this writ petition is disposed of with the observation that the petitioner shall avail the remedy of appeal against the grievance regarding the non-disposal of the application for the notified public service, 'Composite Land Sale Transfer' before the appropriate appellate authority. If the petitioners are aggrieved after preferring an appeal and disposal thereof, the petitioners shall be at liberty to avail the appropriate remedy permissible under the law.

JUDGE

Comparing Assistant