

GAHC010037882024



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

Case No. : WP(C)/1131/2024

ABINASH DAS
S/O- KHAGEN DAS, VILL- RAJAKHAT BANEKUCHI, P.O. KHARSITHA, P.S.
NALBARI, DIST.- NALBARI, PIN- 781370

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPT. OF
LAND REVENUE, DISPUR, GUWAHATI- 6

2:THE DISTRICT COMMISSIONER
NALBARI
PIN- 781303

3:THE ADDITIONAL DISTRICT COMMISSIONER
NALBARI
PIN- 781303

4:THE SELECTION COMMITTEE
REPRESENTED BY THE ADDITIONAL DEPUTY COMMISSIONER
MEMBER SECRETARY (SELECTION COMMITTEE)
DIST.- NALBARI
PIN- 781303

5:THE CIRCLE OFFICER
BANEKUCHI REVENUE CIRCLE
DIST.- NALBARI
ASSAM
PIN- 781303

6:AJIT CHANDRA DEKA
S/O- LATE SUREN DEKA

VILL- RAJAKHAT BANEKUCHI
P.O. KHARSITHA
P.S. AND DIST.- NALBARI
ASSAM
PIN- 78137

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : SC, REVENUE

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

:: ORDER ::

01-03-2024

Heard Ms. T. Begum, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department, for respondent No. 1 and Mr. C.S. Hazarika, learned Government Advocate, for respondent Nos. 2, 3, 4 and 5.

Pursuant to an advertisement dated 26-05-2022, inviting applications for 101 posts of *Gaon Pradhan* under Revenue Circle, district-Nalbari, the petitioner applied for the post of *Gaon Pradhan* of Lat No. 4, Rajakhath Banekuchi under the Banekuchi Revenue Circle by claiming to be the son of an ex-*Gaonburah*, Khagendra Nath Das. In the said advertisement, Clause-12 provides that family of ex-*Gaonburah* will be given preference and recommendation of *Mouzadar* will be considered. Accordingly, in terms of Clause-12 of the Advertisement dated 26-05-2022, the petitioner claims to have a superior claim over the private respondent No. 6.

The further case of the petitioner is that he has been issued a certificate by the Mouzadar, Natun Dehar, Nalbari, certifying that he is the son of retired Gaon Pradhan of Rajakhath Banekuchi.

Mr. S. Dutta, learned standing counsel, Revenue Department, submits that the Revenue and Disaster Management (LA&A) Department has issued a Notification on 01-02-2024 amending the Executive Instructions No. 162-C of the Executive Instructions under the Assam Land and Revenue Regulation, 1886 (Amendment) 2024. He submits that under the Executive Instruction No. 162-C an appeal against the order of appointment, suspension and dismissal of a *Gaon Pradhan* by the District Commissioner or by the Principal Secretary of the Autonomous Council area shall lie to the Director of Land Records and Surveys, Assam, within a period of 60 (sixty) days from the date of receipt of the copy of the order of appointment, suspension or dismissal as the case may be.

After hearing the learned counsel for the parties and on consideration of the amendment of the Executive Instructions No. 162-C, this writ petition is disposed of directing the petitioner to file an appeal before the Director of Land Records and Surveys, Assam, under the Executive Instruction No. 162-C, within a period of 10 days from today. Thereafter, the Director of Land Records and Surveys, Assam, shall consider and dispose of the appeal as expeditiously as possible but not later than two months from the date of receipt of the appeal.

With the above observations and directions, the instant writ petition is disposed of.

JUDGE

Comparing Assistant