

GAHC010046792024



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

**Case No. : WP(C)/1307/2024**

PARASH ALI  
S/O- HAZRAT ALI VILL- BHAIARPAM P.S BAGHBAR DISTRICT- BARPETA,  
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,  
GHY-06.

2:THE DIRECTOR OF LAND RECORD AND SURVEYS  
ASSAM  
RUPNAGAR  
GHY - 32.

3:THE DISTRICT COMMISSIONER  
BARPETA P.O AND DIST- BARPETA (ASSAM)

4:AYNAL HOQUE  
S/O- LATE HAZRAT ALI VILL- AG- MANDIA P.O- MANDIA P.S-BAGHBAR  
DIST- BARPETA  
ASSAM PIN - 78130

**Advocate for the Petitioner : MR. H ALI**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

**ORDER**

**Date : 06.03.2024**

Heard Mr. H. Ali, learned counsel for the petitioner. Also heard Mr. J. Handique, learned standing counsel, Revenue Department for the respondent Nos. 1 and 2 and Ms. M. Bhattacharya, learned Addl. Senior Govt. Advocate for the respondent No.3.

2. Pursuant to an Advertisement dated 03.09.2022, the petitioner applied for the post of Gaon Pradhan in respect of Charge No.15, Mandia Mouza. The petitioner was successful in the said selection process and by Notification dated 03.01.2023, issued by the Deputy Commissioner, Barpeta, his name appeared at Sl. No.15. In the meantime, when the appointment of the petitioner was under process, the selection of the petitioner was challenged by the private respondent No.4 before the Jurisdictional Divisional Commissioner. As no action was taken, the private respondent No.4 approached this Court by way of WP(C)/1123/2023, which was disposed of by an order dated 01.03.2023, directing the Commissioner of Lower Assam Division to consider the Appeal No. RR 04/2023 filed by the respondent No.4 and disposed of the same by a reasoned order as expeditiously as possible preferably within 8(eight) weeks from the date of receipt of a certified copy of the order.

3. The learned counsel for the petitioner submits that the post of Divisional Commissioner was abolished in the state by a Notification dated 17.07.2023, and by a Notification dated 01.02.2024, issued by the Revenue and Disaster

Management (LA&A) Department, the Executive Instructions under the Assam Land Revenue Regulation, 1886 was amended. In terms of the said amendment, Executive Instructions No.162-C provides that appeals shall lie to the Director of Land Records and Surveys, Assam. He therefore submits that the Director of Land Records and Surveys, Assam who is the respondent No.2 herein, may be directed to dispose of the Appeal No. RR 04/2023 filed by the respondent No.4 within a specified period of time.

Mr. J. Handique, learned standing counsel, Revenue Department has no objections.

4. Accordingly on consensus, this writ petition is disposed of directing the Director of Land Records and Surveys, Assam/ respondent No.2 to dispose of the Appeal No. RR 04/2023 filed by the respondent No.4 against the selection of the petitioner within a period of 2(two) months from the date of receipt of a copy of the order.

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

**JUDGE**

**Comparing Assistant**