

GAHC010048312024



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

Case No. : WP(C)/1363/2024

HAMON KONWAR
SON OF LATE KHOGESWAR KONWAR,
R/O- LUKHURA KHONIA GAON,
P.O.- PHUKONARKHAT, (DIKOM),
P.S.- ROHMORIA
DIST.- DIBRUGARH, ASSAM,
PIN- 786101.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE DEPARTMENT, DISPUR, GUWAHATI- 781006,
ASSAM.

2:THE DISTRICT COMMISSIONER
DIBRUGARH DISTRICT
DIBRUGARH
ASSAM.

3:THE ADDITIONAL DISTRICT COMMISSIONER
DIBRUGARH DISTRICT
DIBRUGARH
ASSAM.

4:THE CIRCLE OFFICER
CHABUA REVENUE CIRCLE
CHABUA
DISTRICT- DIBRUGARH
ASSAM

Advocate for the Petitioner : MRS. S ROY

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 10-05-2024

Heard Ms. S. Roy, learned counsel for the petitioner; Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department for the respondent no. 1; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 2 – 4.

2. The case of the petitioner is that he is in occupation of a Government plot of land, measuring 4½ Bighas and covered by Dag no. 196, situate at Village – Lukhura Khonia, Chabua Revenue Circle, Mouza – Rohmaria, District – Dibrugarh [‘the subject-plot’, for short] by constructing of a pakka house thereon, for the last 40 years. It is the case of the petitioner that he had been paying revenue in respect of the subject-plot since long. The Circle Officer, Chabua Revenue Circle by issuing a Certificate bearing no. CRC 42/2008/2513 dated 21.03.2002 had also acknowledged the fact that an area measuring 4 Bighas, covered by Dag no. 196 was in possession of the petitioner for about 20 years.

3. It was in the above background, the petitioner had preferred an application before the respondent authorities for a Trace Map of the subject-plot. When despite making applications before the respondent authorities, the Trace Map was not provided to him, the petitioner has approached this Court by the instant writ petition seeking inter alia a direction to the respondent authorities to provide a Trace Map in respect of the subject-plot.

4. Ms. Barman, learned Junior Government Advocate, Assam representing the respondent nos. 2 – 4 has placed a set of instructions provided by the office of the District Commissioner, Dibrugarh vide a Communication bearing no. 02/2024[RKG]/74 dated 29.03.2024 and the same includes an Office Memorandum bearing no. RRG.36/2013/128 dated 18.01.2020 on the subject – “General guidelines regarding the standard procedure to be followed for providing service for issuance of trace map from Circle Officer”.

5. As per the eligibility criteria prescribed in the said Office Memorandum, it is only a pattadar or his/her/legal heir or attorney holder or anyone having interest over the concerned plot of land, who can apply for issuance of a Trace Map. From the said Office Memorandum, it transpires that the service of providing Trace Map is a notified service under the Right to Public Services Act, 2012.

6. Though the petitioner is not a pattadar in respect of the subject-plot, it is evident from the certificate issued by the Circle Officer, Chabua Revenue Circle vide no. CRC 42/2008/2513 dated 21.03.2002, the petitioner falls in the category of person having an interest over the subject-plot.

7. Considering the fact that an application has already been submitted by the petitioner before the Circle Officer, Chabua Revenue Circle on 26.12.2023 and the fact that the petitioner is a senior citizen, aged about 76 years, this Court finds it proper to observe that the procedure prescribed in the Right to Public Services Act, 2012 can be dispensed with by the respondent authorities, more particularly, the respondent no. 4 to issue a Trace Map to the petitioner in respect of the subject-plot within a period of 30 days from the date of submission of a certified copy of this order by the petitioner at the office of the respondent no. 4. It is accordingly ordered.

8. With the observation made and direction given above, the writ petition is disposed of.

9. The set of instructions placed by Ms. Barman be kept as part of the case records.

JUDGE

Comparing Assistant