

GAHC010048612024



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

Case No. : WP(C)/1347/2024

SUMTINTHANG HMAR
S/O- LT. LALLUNGKAM HMAR, R/O- VILL.- MOULLIEN, JINAM VALLEY,
P.O. AND P.S. MAHUR, DISTRICT.- DIMA HASAO, ASSAM, PIN- 788830

VERSUS

THE STATE OF ASSAM AND 7 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-6
2:DIMA HASAO AUTONOMOUS COUNCIL
REPRESENTED BY THE CHIEF EXECUTIVE MEMBER
HAFLONG
DIMA HASAO
ASSAM
PIN.- 788819
3:THE DISTRICT COMMISSIONER
DIMA HASAO
ASSAM
PIN- 788819
4:THE SECRETARY
REVENUE DEPARTMENT
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
ASSAM
PIN- 788819
5:THE ADDITIONAL SECRETARY
REVENUE DEPARTMENT
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
ASSAM
PIN- 788819

6:THE MEMBER OF AUTONOMOUS COUNCIL
JINAM CONSTITUENCY
DIMA HASAO AUTONOMOUS COUNCIL
JINAM VALLEY
DIMA HASAO
ASSAM
PIN- 788830

7:THE VILLAGE COMMITTEE OF MOULLIEN VILLAGE
REPRESENTED BY ITS SECRETARY
VILL.- MOULLIEN
P.O. AND P.S. MAHUR
DIMA HASAO
ASSAM
PIN- 788830

8:SHRI. LALTHANGPUI HMAR
S/O- LT. LALRUOTLIEN HMAR
R/O- VILL.- MOULLIEN
JINAM VALLEY
P.O. AND P.S. MAHUR
DIMA HASAO
ASSAM
PIN- 78883

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 05.04.2024

Heard Mr. I. H. Saikia, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department for the respondent No.1; Mr. C. Sarma, learned standing counsel, Dima Hasao for the respondent Nos. 2, 4 and 5 and Mr. D. Borah, learned Govt. Advocate for the respondent No.3.

2. The case of the petitioner in brief is that since the year 2013 till date no

regular selection and appointment of Gaon Bura has been held in Dima Hasao Autonomous District and the vacancy of Gaon Buras which occurs due to expiry of Gaon Bura are filled up by prevailing procedure whereby, the villagers/ village committee of the concerned village selects the eligible persons and sends the proceedings of the village meeting to the Secretary Revenue Department, Dima Hasao Council for approval. The respondent No.8 while working as Gaon Bura of Moullien village under Jinam Valley Mouza, District Dima Hasao from 2015-22 was involved in a corruption and misappropriation of village development scheme and as there were many complaints against him he tendered his resignation from the post of G.B ship w.e.f from 06.03.2022. Thereafter, the petitioner was appointed as Gaon Bura Moullien village under Jinam Valley Mouza, by an order dated 14.03.2022. While the petitioner was serving as such, the Addl. Secretary, Revenue, Dima Hasao Autonomous Council by an order dated 03.10.2023, re-appointed the respondent No.8 as G.B of Moullien village under Jinam Valley Mouza in place of the petitioner. By the same order, the appointment of the petitioner as Gaon Bura was also cancelled with immediate effect. It is the case of the petitioner that no show cause notice was issued to the petitioner and the order dated 03.10.2023 was passed behind the back of the petitioner.

3. The respondent No.5 has filed counter affidavit and in paragraph 7, it is stated that on 11.09.2023, the respondent No.5 had requested both the petitioner and the respondent No.8 to appear before him on 15.09.2023 to discuss the matter regarding the dispute of Gaon Bura of Moullien Village. The copies of the letter dated 11.09.2023, was also served upon the petitioner as well as the respondent No.8. However, on the date fixed, the petitioner did not

appear and therefore, the respondent No.8 was appointed as Gaon Bura of Moullien village under Jinam Valley Mouza by the order dated 03.10.2023.

4. The petitioner has filed an affidavit-in-reply to the counter affidavit filed by the respondent No.5 stating that on receipt of the letter dated 11.09.2023, the petitioner made a representation before the respondent No.5 on 14.09.2023 praying for adjournment of the meeting on the ground that he had some rheumatic Problem. The further case of the petitioner is that he had also sent the representation through Whatsapp.

5. Considering the dispute with regard to the non-appearance of the petitioner on 11.09.2023 before the respondent No.5, this Court in the interest of justice directs the respondent No.5 to call for another meeting, whereby, the petitioner as well as the respondent No.8 shall appear before the respondent No.5 and thereafter, the respondent No.5 shall pass appropriate orders after hearing both the parties. Till a final decision is taken by the respondent No.5 after hearing both the petitioner and the respondent No.8, the earlier order of *status-quo* shall continue.

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

JUDGE

Comparing Assistant