

GAHC010054512024



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

Case No. : WP(C)/1596/2024

ANSWAR HUSSAIN MAZARBHUIYA AND 4 ORS
S/O- LATE ABDUL NOOR MAZARBHUIYA,
R/O- BATIRKUPA PART-II,
DISTRICT- HAILAKANDI, ASSAM.

2: ABUL HASAN LASKAR
S/O- MAINUL HOQUE LASKAR

R/O- DAKHIN SUNAPUR PART-I

DIST.- HAILAKANDI
ASSAM.

3: JUBAIR AHMED MAZUMDER
S/O- MOIN UDDIN MAZUMDER

R/O- MONACHERRA GRANT

P.O.- MONACHERRA

DIST.- HAILAKANDI
ASSAM.

4: ANSAR ULLA LASKAR
S/O- SAFAR AHMED LASKAR

R/O- NISCHITAPUR PART-II

DIST.- HAILAKANDI
ASSAM.

5: ABU SAHID LASKAR
S/O- MISIR ALI LASKAR

R/O- BOALIPAR PART-II

DIST.- HAILAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM AND 15 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DISTRICT REGISTRAR
HAILAKANDI.

3:AKBAR HUSSAIN BARBHUIYA
S/O- ALI AHMED BARBHUIYA

R/O- GANGPAR DHUMKAR

DIST.- HAILAKANDI
ASSAM.

4:BURHAN UDDIN CHOUDHURY
S/O- INTAJ ALI CHOUDHURY

R/O- NETAINAGAR PART-II

DIST.- HAILAKANDI
ASSAM.

5:ARUN KUMAR DAS
S/O- LATE SOCHINDRA MOHAN DAS

R/O- HAILAKANDI TOWN WARD NO. 7

DIST.- HAILAKANDI
788151.

6:BADRUL ISLAM BARBHUIYA
S/O- JASHIM UDDIN BARBHUIYA

R/O -KAPNARPAR

P.O.- KALIBARI BAZAR

DIST.- HAILAKANDI
ASSAM.

7:NURUL HOQUE LASKAR
S/O- SAFIKUL HOQUE LASKAR

R/O- BOALIPAR PART-II

DIST.- HAILAKANDI
ASSAM.
PIN- 788155.

8:SAHAB UDDIN BARBHUIYA
S/O- ABDUL MANNAN BARBHUIYA

R/O- BAHADURPUR PART-I

P.O.- R.P. ROAD

DIST.- HAILAKANDI
ASSAM.

9:SOHIDUL ALOM LASKAR
S/O- LATE MONJUR ALI LASKAR

R/O- RATANPUR PART-II

P.O.- R.P. ROAD

DIST.- HAILAKANDI
ASSAM.
PIN- 788155.

10:SAHAB UDDIN LASKAR
S/O- LATE SAMAN ALI LASKAR

R/O- BROJOPUR PART-I

DIST.- HAILAKANDI
ASSAM.
PIN- 788155.

11:IMDADUR RAHMAN BARBHUIYA
S/O- LATE SAKAR ALI BARBHUIYA

R/O- DUDHPUR

DIST.- HAILAKANDI
ASSAM.

12:IKBAL HUSSAIN BARLASKAR
S/O- MOINUL HOQUE BARLASKAR

R/O- RANGAUTI PART-II

DIST.- HAILAKANDI
ASSAM.

13:MEHBUB AHMED BARBHUIYA
S/O- ABDUR RASHID BARBHUIYA

R/O- LAKHINAGAR

DIST.- HAILAKANDI
ASSAM.

14:SAMSUL ALOM MAZUMDEE
S/O- LATE ASHOK UDDIN MAZUMDER

R/O- RANGAUTI PART-I

DIST.- HAILAKANDI
ASSAM.

15:ZIAUR RAHMAN LASKAR
S/O LATE SAMSUL HOQUE LASKAR

R/O- CHIPORSANGON PART-III

DIST.- HAILAKANDI
ASSAM.

16:FOKRUL ISLAM BARBHUIYA
S/O- LAE SUNAB ALI BARBHUIYA

R/O- DUDGPUR

DIST.- HAILAKANDI
ASSAM

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

20.03.2024

1. Mr. J. Laskar, learned counsel appears for the petitioners. Mr. S. Dutta, learned counsel appears for the respondent no.1 while Mr. S.S. Roy, learned counsel appears for the respondent no.2.

2. Mr. J. Laskar, learned counsel for the petitioners submits that the petitioners amongst others had applied for a Deed Writer Licence under the District Registrar, Hailakandi. Accordingly they had participated in the interview held on 24.01.2024. The grievance of the petitioners is that despite performing well in the interview, the respondent no.2 illegally and arbitrarily selected the respondent nos.3 to 16 by secretly publishing a Select List.

3. The petitioners' counsel submits that the petitioners have been working under registered Deed Writers for the last 5 to 10 years. However, some of the respondents who do not have the same experience as the petitioners, have been selected. He submits that there is no provision for conducting a written examination or interview for a Deed Writer, in terms of Rule 14 of the Assam Registration Manual. As such there could not have been any interview for selecting the private respondents for grant of licence as a Deed Writer. He also submits that as the private respondents have been arbitrarily selected, the petitioners had written a representation dated 02.03.2024 addressed to the District Commissioner, Hailakandi to conduct an inquiry with regard to the interview process conducted for selecting the successful candidates for grant of

a Deed Writer's licence. However, the same has not been done till date.

4. The respondent nos.3 to 16 are the private respondents, who have been selected to be given licences as Deed Writers.

5. A perusal of the writ petition clearly shows that no fundamental or legal right of the petitioners has been violated. Though the petitioners' counsel has taken a stand that Rule 14 of the Assam Registration Manual does not provide for grant of licence to Deed Writers on the basis of a written examination or interview, the petitioners have not been able to show as to what process is to be followed, for selecting persons to be granted the said licence. In any event, the petitioners having taken part in the interview for grant of Deed Writers licence, they cannot be allowed to turn around and challenge the procedure followed, after they have been found to be unsuccessful in the selection process. It is not the case of the petitioners that they had secured higher marks in the interview than the private respondents. Their only stand is that though they did well in the interview, they were not selected. The petitioners have asked for an inquiry to be made in the interview process only because they have not been selected for grant of the Deed Writers licence. No specific ground/reason has been given by the petitioners as to why an inquiry should be conducted. The prayer for holding an inquiry has to be based on certain facts and cannot be based on suspicion/speculation that something was amiss during the interview process. This Court cannot embark on a roving inquiry or direct a roving inquiry to be made only because the petitioners have not been selected for grant of Deed Writer Licence. No grounds have been made out by the petitioner for this Court to exercise its discretion in this case.

6. Accordingly the writ petition is dismissed, as being without any merit.

JUDGE

Comparing Assistant