

GAHC010054532024



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

Case No. : WP(C)/1535/2024

BASISTHA PATGIRI
SON OF LATE MADHAB PATGIRI, VILL- BARKURIHA, P.O. BARKURIHA,
P.S. NALBARI, DIST.- NALBARI, ASSAM, PIN- 7821348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE (REGISTRATION) AND D.M.
DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
RUPNAGAR
GUWAHATI
ASSAM- 781032

3:THE DISTRICT COMMISSIONER
NALBARI
ASSAM- 781335

4:SRI BIBHAB BHARADWAJ
S/O- UMESH CHANDRA SARMA
VILL- 2 NO. SONKURIHA
P.O. KALAG
P.S. NALBARI
DIST.- NALBARI
PIN- 782135

Advocate for the Petitioner : MR. A K BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 18.03.2024

Heard Mr. A. K. Baruah, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department for the respondent Nos. 1 and 2 and Mr. T. C. Chutia, learned Addl. Senior Govt. Advocate for the respondent No.3.

2. Pursuant to a notice dated 26.05.2022, issued by the District Commissioner, Nalbari for appointment of 101 vacant posts of Gaon Pradhan under the Revenue Circles of Nalbari District, the petitioner applied for the vacant post of Gaon Pradhan of Barkuriha (Part) 2 No. Sonkuriha Village under Barbagh Revenue Circle. Thereafter, the ADC (Gaon Pradhan), Nalbari issued the results on 09.02.2024, wherein, the name of the private respondent No.4 was selected against Barkuriha (Part) No.2 Sonkuriha. Being aggrieved, the petitioner filed an appeal before the Director of Land Records and Surveys, Assam on 11.03.2024.

3. It is the case of the petitioner that the petitioner's father served as Gaon Pradhan of Barkuriha No. 2 Sonkuriha Village till his death in the year 1983. Thereafter, the uncle of the petitioner was appointed as Gaon Pradhan of Barkuriha No. 2 Sonkuriha Village in the year 1984 till 31.03.2022. The petitioner has also been given a certificate by the Mouzadar on 09.06.2022

which indicates that he was the son of late Madhab Patgiri who was holding the Office of Gaon Pradhan of Barkuriha No. 2 Sonkuriha Village till he expired in the year 1984.

4. The petitioner relies on Clause-12 of the Notice date 26.05.2022, which provides that candidates from the family of Gaon Pradhan will be given priority and opinion from the Mouzadar will be considered. The case of the petitioner is that as there is no time limit prescribed for disposing of the appeal filed under Executive Instructions 162-C in the Notification dated 01.02.2024, by which the Amendment to the Executive Instructions under the Assam Land Revenue Regulation, 1886 was published a direction be given to the appellate authority to dispose of his appeal within a time frame.

5. Considering that the petitioner has made an appeal before the Director of Land Records and Survey, Assam under the Executive Instructions 162-C of the Executive Instructions under the Assam Land Revenue Regulations, 1886 (amendment) 2024, this writ petition is disposed of directing the Director of Land Records and Surveys, Assam to consider and dispose of the appeal dated 11.03.2024 within a period of 45 (forty five) days from the date of receipt of a copy of the order of this Court.

6. The learned counsel for the petitioner submits that till now, no appointment has been made by the respondents to the post of Gaon Pradhan of Barkuriha (Part) No. 2 Sonkuriha Village under upper Barbagh Mouza, Barbagh Revenue Circle till date.

7. Recording the submissions made by the learned counsel for the petitioner, the respondents are directed that if the respondent No.4 i.e., Sri Bibhab Bharadwaj is not appointed till date, no appointment order shall be issued till the appeal is disposed of by the appellate authority.

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

JUDGE

Comparing Assistant