

GAHC010054562024



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

Case No. : WP(C)/1869/2024

KULEN PATHAK
S/O- LATE UDHAB PATHAK,
R/O- BIJNI TOWN, WARD NO-3, P.O AND P.S- BIJNI,
DIST- CHIRANG, ASSAM, PIN-783390

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF LAND AND REVENUE, ASSAM
DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE PRINCIPAL SECRETARY
THE BODOLAND TERRITORIAL COUNCIL (BTC)
BODOFA
NAGAR

BTC
P.O AND P.S- KOKRAJHAR
DIST- KOKRAJHAR
ASSAM 783370

3:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REP. BY THE JOINT SECRETARY
BODOLAND TERRITORIAL COUNCIL
BODOFA
NAGAR

DIST- KOKRAJHAR
ASSAM 783370

4:THE SECRETARY

REVENUE

BODOLAND TERRITORIAL COUNCIL
BODOFA
NAGAR

DIST- KOKRAJHAR
ASSAM 783370

5:THE JOINT SECRETARY
BODOLAND TERRITORIAL COUNCIL
BODOFA
NAGAR

DIST- KOKRAJHAR
ASSAM 78337

Advocate for the Petitioner : MR P J DUTTA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 04-04-2024

Heard Mr. BP Borah, learned counsel for the petitioner as well as Mr. S. Borah, learned standing counsel for the BTC as well as Ms. G. Hazarika, learned standing counsel for the Revenue Department.

2. The petitioner projects that in respect of his land measuring 3B-2K-10L, covered by Dag no.849 of PP no.335 of Bijni town under Bijni Revenue Circle mutation was made in the favour of a 3rd party and therefore, the petitioner had filed a review petition against the order dated 28.02.2022. The said application was not entertained on the ground of limitation. Accordingly,

against the said order, the petitioner projects that he had moved the Joint Secretary, BTC (respondent no.3). Although observations were made in favour of the petitioner, but relief was not granted on the ground that the application was barred by limitation. Against the said order, a review application registered as Misc. Case no.21/2018-19 has been filed. As the respondent no.3 has not disposed of the said application, the present writ petition has been filed under Article 226 of the Constitution of India.

3. Heard the learned counsel for the petitioner as well as the learned standing counsel for the Revenue department and the learned standing counsel for the BTC, the Court is of the considered opinion that instead of keeping the matter pending, this writ petition can be disposed of with a direction to the Joint Secretary to the Bodoland Territorial Council (Revenue) to dispose of Misc. case no.21/2018-19 preferably within a period of 2(two) months from the date of receipt of the certified copy of the order in accordance with law and after giving an opportunity of hearing to the petitioner as well as to the person in whose name the mutation is allegedly stated to have been illegally made.

4. The matter stands disposed of at the motion stage without issuance of notice on the respondents.

JUDGE

Comparing Assistant