

GAHC010055262024



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

Case No. : WP(C)/1541/2024

SANJIB CHOUDHURY
SON OF LATE NARENDRA CHOUDHURY, RESIDENT OF VILLAGE-
SANTIPUR WEST, BHUTNATH ROAD, HOUSE NO. 32, P.O. AND P.S.
BHARALUMUKH, GUWAHATI, PIN NO. 781009

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY, IT DEPARTMENT,
BLOCK C, 3RD FLOOR, ASSAM SECRETARIAT (CIVIL), DISPUR,
GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI-6

3:THE ASSAM ADMINISTRATIVE TRIBUNAL
REPRESENTED BY ITS CHAIRMAN ALSO ACTING AS RTPS COMMISSION
OPPOSITE MEGHDOOT BHAWAN
MG ROAD
PANBAZAR
GUWAHATI- 781001

4:THE DISTRICT COMMISSIONER
KAMRUP (M)
LICHUBAGAN
HENGRA BARI
GUWAHATI
ASSAM 781006

5:THE CIRCLE OFFICER
AZARA CIRCLE
KAMRUP (M)
ASSAM
PIN NO. 78101

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 01.04.2024

Heard Mr. S.K. Das, learned counsel for the petitioner and Ms. S. Sarma, learned Govt. appearing for the respondent nos. 1, 3, 4 and 5 and Ms. G. Hazarika, learned standing counsel for the respondent no.2.

2. Pursuant to order dated 18.03.2024, the learned Govt. advocate has submitted that as per instruction received by her, the petitioner could not be served with notice. We are unable to appreciate the instruction to the learned Govt. advocate because in this case, the petitioner has projected that he had purchased a plot of land morefully referred in the writ petition through registered sale deed no. 11371 dated 24.09.2015 and he is in possession and paying the land revenue.

3. Under the Assam Right to Public Service Act, 2012, the Government has launched a scheme called Mission Basundhara. Accordingly, the petitioner had applied for partition of the said 3K-10L land in the Seva Setu portal in digital mode vide ID no. RTPS-OP/2022/2201 dated 26.11.2022. However, he did not get any result. Accordingly, as the designated public servant had not provided

him with the service, the petitioner filed a first appeal before the District Commissioner, Kamrup (M), Guwahati through Seva Setu on 13.10.2023 vide ID no. 20CB4ES. Nothing happened within statutory 60 days' period. Accordingly, the petitioner preferred a second appeal vide ID no. 15364A9 on 01.01.2024 before the Right to Public Service Commission, Assam. His second appeal was also not disposed of.

4. Under such circumstances, the Government is under bounden duty to explain why notice is required to be served on the petitioner in the first place. The officers appeared to have failed the government scheme of Mission Basundhara by resorting to delaying tactics of serving notice on the petitioner, which could have been done in e-mode. Therefore, the Court is inclined to direct the Chief Secretary to the Govt. of Assam to cause an enquiry to be made through one of its senior officer as to why the case of the petitioner under Mission Basundhara of the Assam Right to Public Service Act, 2012, was not provided to him and take appropriate measures against the officers who had erred in providing service in accordance with law.

5. If for disposing of the petitioner's application under Mission Basundhara Scheme, any document by the petitioner is required, the request for such documents should be submitted to the petitioner at his e-mail address i.e. sanjibch64@gmail.com.

6. In the meanwhile, it is provided that the pendency of enquiry shall not be a bar for the second appellate authority i.e. Right to Public Service Commission, Assam to make an endeavour to dispose of the second appeal of the petitioner within the time bound manner, preferably within 30 days' from the date of service of certified copy of this order.

7. This writ petition stands disposed of at motion stage.

JUDGE

Comparing Assistant