

GAHC010063492024



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

Case No. : WP(C)/1806/2024

PRANJIT TALUKDAR
SON ABHIRAM TALUKDAR
VILL- BARBUKIA, P.O. ATHGHARIA
P.S. NALBARI DIST. NALBARI, ASSAM, PIN-7821347

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
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 DWIPEN DAS
S/O LATE HARKANTA DAS
VILL- DOKOHA
P.O. ARANGMOW
P.S. NALBARI

DIST. NALBARI
PIN-782134

Advocate for the Petitioner : MR. A K BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 03-04-2024

Heard Mr. A.K. Baruah, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department, for respondent Nos. 1 and 2 and Mr. D. Bora, learned Government Advocate for respondent No. 3.

Pursuant to a Notice dated 26-05-2022 issued by the District Commissioner, Nalbari, inviting applications for 101 posts of *Gaon Pradhan* under Revenue Circle, district-Nalbari, the petitioner applied for the vacant post of *Gaon Pradhan* of Barbukia Dokoha village under Nalbari-district. Thereafter, the ADC (Gaon Pradhan), Nalbari declared the results on 09.02.2024, wherein the private respondent No. 4 was selected against Barbukia Dokoha. Being aggrieved, the petitioner filed an appeal before the Director of Land Records and Survey, Assam on 12.03.2024.

The case of the petitioner, in brief, is that his father served as the Gaon Pradhan of Barbukia Dokoha village till 31.03.2022. The petitioner was also given a certificate by the Mouzadar of Upper Barbhag Mouza certifying that he is the son of the former Gaon Pradhan and that he has helped in all the Government works at Revenue Circle for the past 4 years and he may be considered for the post of Gaon Pradhan.

The petitioner also relies on Clause-12 of the Notice dated 26.05.2022 which

provides that the candidates from the family of the Gaon Pradhan will be given priority and the opinion from the Mouzadar will be considered. The case of the petitioner is that as no time limit has been prescribed for disposing of the appeal filed by the petitioner under Executive Instructions 162-C of the Notification dated 01.02.2024, by which the amendment to the Executive Instructions under the Assam Land Revenue Regulations, 1886, was published, a direction be given to the appellate authority to dispose of his appeal within a specific period of time.

Considering that the petitioner has filed an appeal before the Director of Land Records and Survey, Assam under Executive Instructions 162-C of the Executive Instructions under the Assam Land and Revenue Regulations, 1886 (Amendment) 2024, this Writ Petition is disposed of directing the Director of Land Records and Survey, Assam to consider and dispose of the appeal dated 12.03.2024 filed by the petitioner within a period 2 (two) months from the date of receipt of the copy of order of this Court.

Learned counsel for the petitioner submits that till now no appointment has been made by the respondents to the post of Gaon Pradhan of Barbukia Dokoha village under Upper Barbhag Mouza. Accordingly, the official respondents are directed that if the respondent No. 4, i.e., Sri Dwipen Das is not appointed till date, no appointment order shall be issued till the appeal is disposed of by the appellate authority.

With the above observations and directions, the instant Writ Petition is disposed of.

JUDGE

Comparing Assistant