

GAHC010088042024



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

Case No. : WP(C)/2451/2024

SAIDUL HOQUE
S/O LATE ABDUL AZIZ BISWAS,
R/O VILL- FULERCHAR PT-II,
P.S.-SOUTH SALMARA, DIST-SOUTH SALMARA,
MANKACHAR, ASSAM

VERSUS

1.THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE DISTRICT COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI P.O.-HATSINGIMARI
DIST-SOUTH SALMARA MANKACHAR PIN-783135

3:THE CIRCLE OFFICER
MANKACHAR REVENUE CIRCLE
MANKACHAR P.O.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR PIN-78313

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14-06-2024

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. S. Dutta,

learned Standing Counsel, Revenue Department appearing for respondent No.1 and Mr. C. Hazarika, learned Government Advocate, Assam appearing for the respondent Nos.2 and 3.

2. The petitioner was suspended vide order dated 27.01.2024. However, no departmental proceeding is drawn till date. Accordingly, the present writ petition is filed under Article 226 of the Constitution of India.

3. Mr. S. Dutta, learned Standing Counsel, Revenue Department has produced a copy of the Notification dated 01.02.2024 and has submitted that an appeal against any order of appointment, suspension and dismissal of a Gaon Pradhan by the District Commissioner, an appeal lies under 162-C of the Executive Instructions of the Assam Land Revenue Regulations, 1886. Mr. Dutta has submitted that the Appellate Authority has been constituted and the Director of Land Records and Surveys, Assam is the Appellate Authority.

4. In view of alternative remedy available to the petitioner, this Court is inclined to close this writ petition by granting liberty to the petitioner to file an appeal before the Appellate Authority within a period of 15(fifteen) days from today.

5. In the event, the appeal is filed by the petitioner within the time allowed, the same shall be considered by the Appellate Authority.

6. Taking note of the fact that the Appellate Authority has been constituted vide Notification dated 01.02.2024 and this writ petition was filed on 30.04.2024, the limit of time spent during the pendency of this writ petition and 15 days time thereafter, shall construe an explanation for the petitioner for not being able to file the appeal within limitation prescribed under Section 162-C. If such pleadings are made, the Appellate Authority shall not dismiss the appeal on the ground of limitation.

7. With the aforesaid liberty, the present writ petition stands closed without adjudicating the matter on merit. Therefore, it will be open to the petitioner to raise

any plea that he desires while filing the appeal.

JUDGE

Comparing Assistant