

GAHC010103612024



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

Case No. : Review.Pet./94/2024

RAJUMONI SAIKIA
S/O KALIRAM SAIKIA, R/O VILL-DARIGAJI, P.O.-BORBHOGIA, P.S.-
KALIABOR, DIST-NAGAON, ASSAM, PIN-782138

VERSUS

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

2:THE DEPUTY COMMISSIONER
NAGAON
P.O.-NAGAON
DIST-NAGAON (ASSAM)
PIN-782002

3:ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
NAGAON
P.O.-NAGAON
DIST-NAGAON (ASSAM)
PIN-782002

4:SELECTION COMMITTEE FOR THE SELECTION OF GAON PRADHAN
IN 4 NO BHURBANDHA
UNDER SAMAGURI REVENUE CIRCLE
NAGAON
ASSAM

5:THE SUB-DIVISIONAL OFFICER
KALIABOR (REVENUE BRANCH)
DIST-NAGAON
ASSAM

6:THE CIRCLE OFFICER
KALIABOR REVENUE CIRCLE
DIST-NAGAON
ASSAM
782136

7:RAJU BORA
S/O GOPAL BORA

RESIDENT OF VILLAGE NO. 5 DARIGOJI
PO BORBHAGIA PS KALIABOR
DIST NAGAON
ASSAM 78213

Advocate for the Petitioner : MS M BORAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 12-06-2024

Heard Mr. B.B. Bora, learned counsel for the review petitioner. Also heard Mr. J. Handique, learned standing counsel, Revenue & DM Department appearing for the official respondents.

This review petition has been preferred against the order dated 11-04-2023 passed by this Court in I.A.(C) No. 661/2023 filed by the review petitioner arising out of W.P.(C) No. 6609/2022 whereby, this Court had disposed of the I.A. as well as the writ petition by providing that the writ petitioner may prefer an appeal before the jurisdictional Divisional Commissioner ventilating his grievance against the selection of the applicant/ review petitioner/ respondent No. 7 in the writ petition within 07 days from the date of the order

and until the appeal is disposed of, no order of appointment in the post of Gaon Burah was to be issued in favour of the review petitioner/ respondent No. 7. The review petitioner has approached this Court by filing the present petition by contending that when the order dated 11-04-2023 was passed by this Court, the jurisdictional Divisional Commissioner, was the designated authority competent to hear an appeal preferred under Rule 162(C) of the Executive Instruction issued under the Assam Land and Revenue Regulation, 1886. However, subsequent to the order dated 11-04-2023 the Govt. of Assam, in the Department of Revenue & Disaster Management, had issued notification dated 01-02-2024 appointing the Director of Land Record & Survey as the authority to hear the appeals preferred under Rule 162(C) of the Executive Instruction.

It is the case of the review petitioner that due to the change in the appellate authority, the appeal allegedly preferred by the writ petitioner before the jurisdictional Divisional Commissioner did not proceed further. However, due to the pendency of the said proceeding, the appointment of the review petitioner in the post of Gaon Burah has also been stalled.

Responding to the above, Mr. J. Handique, learned standing counsel, Revenue & DM Department has submitted that pursuant to the notification dated 01-02-2024 all appeals pending before the jurisdictional Divisional Commissioner have been transferred and/ or transmitted to the new appellate authority and if there is any pending appeal preferred by the writ petitioner in W.P.(C) No. 6609/2022, the same will also be heard and disposed of by the appellate authority without undue delay.

After hearing the submission of learned counsel for both the sides, this Court is of

the opinion that instead of issuing notice in the review petition, the same can be disposed of by providing that the appeal, if any, preferred by the writ petitioner in W.P.(C) No. 6609/2022 pending before the jurisdictional Divisional Commissioner be transmitted to the Director of Land Records and Survey within a period of 04 weeks from the date of receipt of a certified copy of this order, if not, already done.

Ordered accordingly.

Upon transmission of the record, as aforesaid, an attempt be made to dispose of the appeal expeditiously and within the time limit prescribed under the law.

With the above observation, this review petition stands disposed of.

JUDGE

GS

Comparing Assistant