

GAHC010106522024



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

Case No. : WP(C)/2793/2024

KRISHNA CHANDRA DAS AND ANR
SON OF LATE MALI RAM DAS, SATI JAYMATI ROAD, HOUSE NO. 5,
OPPOSITE GOL- BUILDING, ATHGAON, GUWAHATI, PIN- 781001, DISTRICT-
KAMRUP(M), ASSAM

2: RAM CHANDRA DAS
SON OF LATE MALI RAM DAS
SATI JAYMATI ROAD
HOUSE NO. 5
OPPOSITE GOL- BUILDING
ATHGAON
GUWAHATI
PIN- 781001
DISTRICT- KAMRUP(M)
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED HEREIN BY THE DISTRICT COMMISSIONER,
GOVERNMENT OF ASSAM,
ADDRESS- OFFICE OF THE DISTRICT COMMISSIONER,
LICHUBAGAN, HENGRABARI, PIN- 781036,
KAMRUP(M), ASSAM.

2:THE CIRCLE OFFICER
GOVT. OF ASSAM
OFFICE OF THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE

DISTRICT- KAMRUP(M)
PIN- 781006

ASSAM

For the Petitioner(s) : Mr. S. Chamaria, Advocate

For the Respondent(s) : Mr. N. Goswami, Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 23.07.2024

Heard Mr. S. Chamaria, the learned counsel appearing on behalf of the Petitioners and Mr. N. Goswami, the learned Government Advocate appearing on behalf of the Respondent Nos. 1 and 2.

2. The Petitioners herein are aggrieved by the inaction on the part of the Respondent No.2 in disposing of the Mutation Case No.73/2023-24 which has been pending since 2023.

3. This Court vide an order dated 31.05.2024 had sought instructions from the Respondents as to why no action has been taken in respect to the said Mutation Case No.73/2023-24. Today, Mr. N. Goswami, the learned Government Advocate appearing on behalf of the Respondents submitted an instruction that the Petitioners are not the recorded pattadars for which their names have not been mutated. This Court however does not understand as to why the Respondent Authorities more particularly the Respondent No.2 has not passed the order. It is the opinion of this Court that if the Respondent No.2 had formed its opinion on the mutation proceedings, the same has to be brought on record by passing the order so that the Petitioners if so aggrieved would be at

liberty to take due steps. The Respondent No.2 under no circumstances can keep the matter pending.

4. Under such circumstances, the instant writ petition stands disposed of with a direction to the Respondent No.2 to dispose of the Mutation Case No.73/2023-24 within a period of 1 (one) month from the date a certified copy of the instant order is submitted before the Respondent No.2.

5. This Court also observes that in the circumstance, the Respondent No.2 has any doubt, necessary clarifications may be sought from the Petitioners. This Court further grants the liberty to Petitioners to submit any other documents to show that they are entitled to mutation. The said documents be submitted along with the certified copy of this order.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant