

GAHC010131182024



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

Case No. : WP(C)/3402/2024

RUPALI KALITA
D/O- LATE UPENDRA NATH KALITA, R/O- VILL.- KATHPAR, P.O.
BANMUKH, P.S. AND DIST. SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM
SECRETARIAT (CIVIL), DISPUR, GHY-6, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DM DEPARTMENT ASSAM SECRETARIAT (CIVIL)
DISPUR
GHY-6
ASSAM

3:THE DIRECTOR

DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
RUPNAGAR
GHY-32.

4:THE DISTRICT COMMISSIONER
SIVASAGAR
DIST. SIVASAGAR
ASSAM
PIN- 785640

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : GA, ASSAM

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

ORDER

Date : 28-06-2024

Heard Mr. P. Bordoloi, learned counsel for the petitioner as well as Mr. J. Handique, learned standing counsel for the Revenue Department appearing for the respondent nos.1, 2 and 3 and Mr. T. C. Chutia, learned Addl. senior Govt. Advocate appearing for the respondent no.4.

2. The petitioner was dismissed from the post of Gaon Pradhan of Kathpar Gaon under Konwarpur Mouza under Sivasagar Revenue Circle. Accordingly, aggrieved by the order of dismissal, the petitioner has filed an appeal under clause 162-C of the Executive Instruction under the Assam Land and Revenue Regulation, 1886 before the Director, Director of Land Records and Surveys i.e. respondent no.3 on 06.03.2024. The said appeal of the petitioner has not yet been taken-up.

3. The learned counsel for the petitioner has submitted that in the meanwhile on 19.06.2024, an advertisement has been issued by the Office of the District Commissioner (Revenue Division) for filling up the post of Gaon Pradhan, amongst others, for Kathpar village under Konwarpur Mouza under the Sivasagar Revenue Circle. Accordingly, it is submitted that if the advertised post of Gaon Pradhan is filled up, the appeal would be rendered infructuous.

4. The learned standing counsel for the Revenue Department has submitted that the concerned officer was on election duty and he since joined his office and is now in the process of taking up the appeal matters before him.

5. As the Court finds that the petitioners have already filed an appeal before the respondent no.3 under Clause 162 (c) of the Executive Instructions under the Assam Land and Revenue Regulations, 1886 it would be appropriate to relegate the petitioner to the appellate authority with an interlocutory application for staying of the advertisement dated 19.06.2024, in so far as village Kathpar under Konwarpur Mouza under Sivsagar Revenue Circle is concerned, on such ground as the petitioner may so deem it appropriate. The respondent no. 3 i.e. the Appellate Authority, on receipt of the prayer for interim relief by the petitioner, shall pass an appropriate order without any further delay after giving an opportunity to the petitioner of being heard on the prayer for interim relief.

6. The petitioner shall produce a certified copy of this order along with the IA before the Director of Land Records and Surveys, Assam.

7. In view of the above observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant