

GAHC010175552024



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

Case No. : WP(C)/4383/2024

JATINDRA NATH SAIKIA
S/O- LATE GHANA KANTA SAIKIA, RESIDENT OF KANAI BORA CHUBURI,
P.O. BESSERIA, DISTRICT- SONITPUR, ASSAM, PIN- 784150

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, RUPNAGAR, GUWAHATI- 32

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
RUPNAGAR
GUWAHATI-32

3:THE DEPUTY/DISTRICT COMMISSIONER
SONITPUR DISTRICT
TEZPUR
ASSAM

4:THE ENQUIRY OFFICER
DP CASE NO. 1/2017 OF OFFICE OF THE DEPUTY COMMISSIONER
SONITPUR
TEZPU

Advocate for the Petitioner : MR B SINHA, M SHARMA,MR. S UPADHAY

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

31-08-2024

Heard Shri B. Sinha, learned counsel for the petitioner.

The petitioner claims to be appointed as a Mandal on 26.02.2006. However, pursuant to a disciplinary proceeding, he was dismissed from service on 21.07.2020. The petitioner claims to have submitted an appeal on 12.11.2020 before the Commissioner, North Assam Division, Tezpur. However, the said Office has been abolished and therefore the instant application has been filed.

Shri Sinha, the learned counsel submits that the petitioner cannot be left remediless and therefore the writ petition is liable to be entertained.

Per contra, Shri S. Dutta, learned Standing Counsel, Revenue Department has submitted that there is a change in the Appellate Authority and presently the Director of Land Records is the Appellate Authority. He submits that the provision of appeal would be an efficacious and effective grievance redressal mechanism.

In view of the above, the instant writ petition is disposed of by directing the petitioner to prefer an appeal, if so advised before the Appellate Authority namely, the Director of Land Records. It is however made clear that since the earlier appeal was filed in the year 2020, the issue of limitation should not be adhered to and the appeal be decided on merits.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant