

GAHC010177332022



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

Case No. : WP(C)/5772/2022

ABDUL MALEQUE
S/O- LATE NAYAN UDDIN, VILL.- BILASHIPARA PATHAR, P.O.
BILASHIPARA BAZAR, DIST. BARPETA, ASSAM, PIN- 781315.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
BAJALI
DIST. BAJALI
ASSAM

3:THE CIRCLE OFFICER

SARUPETA REVENUE CIRCLE
DIST. BAJALI
ASSAM

4:JAHIDUL ISLAM
S/O- LATE MAJAR ALI
VILL.- BARAGUWA
P.O. MECHPARA
DIST. BAJALI
ASSAM
PIN- 781313

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : GA, ASSAM

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

ORDER

Date : 27-06-2024

Mr. R. Ali, learned counsel for the petitioner is present. Mr. J. Handique, learned Standing Counsel, Revenue appearing for the respondent No.1 and Mr. R. Dhar, learned Additional Senior Government Advocate, Assam appearing for the respondent Nos. 2 and 3 are also present.

As per the order dated 20.06.2024 passed in the proceedings of Lawazima Court, service on respondent No. 4 is completed.

However, none appears for the said respondent.

The selection and appointment of respondent No.4 as the Gaonburah of Charge/Lot No. 26 of village Bilashiparapathar, Bareguwa under Gabardhan Mouza under Sarupeta Revenue Circle in the district of Bajali, is assailed by the petitioner in this writ petition on the ground that the respondent No.4 is the Executive Member of Minority Morcha of BJP, Assam and therefore, he was disqualified for being appointed as a Gaonburah.

Learned Standing Counsel, Revenue Department representing the respondent No.1 has submitted that in the meanwhile, the appellate authority has been constituted for taking up of appeals under Section 162-C of the Executive Instruction framed under the Assam Land Revenue Regulation, 1886. It is submitted that alternative remedy is available to the petitioner.

Learned counsel for the petitioner submits that this writ petition was

filed before the appellate authority was constituted.

Be that as it may, as the appellate authority has been constituted under Section 162-C of the Executive Instruction under the Assam Land Revenue Regulation, 1886, alternative remedy being available to the petitioner, this Court is inclined to close this writ petition by granting 15 days' time from today to file an appropriate appeal before the appellate authority, i.e. the Director of Land Records and Surveys, Assam.

This writ petition was filed on 02.09.2022. Therefore, the period spent before this Court from the date of filing of this writ petition till 15 days' time granted today to file an appeal, is permitted to be taken up by the petitioner as a ground for explaining the delay in approaching the appellate authority. Accordingly, it is provided that in the event the petitioner files an appeal before the appellate authority within 15 days from today, the appeal shall not be dismissed on the ground of delay in filing the appeal.

With the above observations, this writ petition stands closed.

JUDGE

Comparing Assistant