GAHC010183792026

2026:GAU-AS:12786

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

Case No. : WP(C)/4720/2026

MOIN SOROWAR JAZBI
S/O- NUR JAMAL HOQUE, VILL- MAJARCHAR, P.O.- ALOPATI, P.S.- ALOPATI CHAR, DIST- BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GHY-781006.

2:THE DISTRICT COMMISSIONER
BARPETA
DISTRICT- BARPETA
ASSAM
PIN-781301.

3:THE ADDITIONAL DISTRICT COMMISSIONER
BARPETA
DISTRICT-BARPETA
ASSAM
PIN-781301.

4:THE CIRCLE OFFICER
BARPETA REVENUE CIRCLE
DISTRICT- BARPETA
ASSAM
PIN-781301.

5:THE DISTRICT REGISTRAR
BARPETA
DISTRICT- BARPETA
ASSAM
PIN-781301

6:THE SUB-REGISTRAR
BARPETA
DISTRICT- BARPETA
ASSAM
PIN-781301

Advocate for the Petitioner : MR. M I HUSSAIN, N. UDDIN,MS. P AHMED,R KHA

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 02.09.2026

Heard Mr. M.I. Hussain, learned counsel for the petitioner; Mr. A. Bhattacharyya, learned Standing Counsel, Revenue & Disaster Management Department, Government of Assam for the respondent no. 1; and Mr. N. Das, learned Junior Government Advocate, Assam for the respondent nos. 2 – 6.

2. The case projected by the petitioner in this writ petition, in brief, is that the petitioner as an intended purchaser entered into an agreement for sale with the intended sellers, who are the owners of a plot of land measuring 2 Kathas 10 Lessas, covered by Dag no. 652 of Patta no. 176 at Village – Paka Betbari, Mouza – Betbari, Barpeta Revenue Circle, District – Barpeta, Assam [‘the subject-plot’, for short].

3. It is stated that prior to the agreement for sale executed on 22.08.2025, the petitioner filed an application in the designated portal, Sewa Setu seeking delivery of the notified public service, ‘Composite Land Sale Transfer’ on 02.08.2024. The application was received vide Acknowledgement no. NOC/05/62778/2024 dated 02.08.2024. The said application came to be rejected on 14.10.2024. According to the petitioner, the application was rejected by a non-speaking order, contrary to the provisions of Assam Right to Public Services [ARTPS] Act,

2012, as amended. After rejection of his previous application on 14.10.2024, the petitioner submitted another application for delivery of the notified public service, 'Composite Land Sale Transfer' again on 18.11.2024. The application was received vide Acknowledgment no. NOC/05/64871/2024 dated 18.11.2024. As per the application acknowledgment, the service was to be delivered within a period of 45 days. However, the subsequent application was also rejected on 07.01.2025. It is the contention of the petitioner that the subsequent application was also rejected by a non-speaking order.

4. Aggrieved by the decision of the designated public servant to reject the application by Order dated 07.01.2025, the petitioner filed an appeal under Section 8 of the ARTPS Act before the respondent no. 2 on the belief that the respondent no. 3 is the Appellate Authority for such appeal. As the 1st appeal filed before the respondent no. 2 on 10.08.2026 has not been taken into consideration, the petitioner is before this Court by the present writ petition seeking a direction to the respondent no. 2 to dispose of the appeal in terms of the provisions of the ARTPS Act and also, for a direction to the respondent authorities to deliver the notified public service, 'Composite Land Sale Transfer'.

5. Mr. Bhattacharyya and Mr. Das have submitted that if the petitioner's application has been rejected by the designated public servant under Section 6 of the ARTPS Act, the petitioner has the option of filing a 1st appeal under Section 8[1] of the ARTPS Act before the 1st Appellate Authority and a 2nd appeal before the 2nd Appellate Authority under Section 8[4] of the ARTPS Act. They have submitted that in so far as the delivery of notified public service, 'Composite Land Sale Transfer' is concerned, the jurisdictional District Commissioner [the respondent no. 2] is not the 1st Appellate Authority. The 1st appeal for the notified public service, 'Composite Land Sale Transfer' under Section 8[1] of the ARTPS Act lies before the Director of Land Records and Surveys, etc., Assam and the 2nd appeal under Section 8[4] lies before the RTPS Commission. In the case in hand, the petitioner has preferred the 1st appeal before the District Commissioner, Barpeta who is not the 1st Appellate Authority for the notified public service, 'Composite Land Sale Transfer'.

6. In this connection, it is relevant to refer to a Notification dated 09.07.2024 of the Revenue & Disaster Management Department, Government of Assam which was published in the Official Gazette on 12.07.2024. By the Notification dated 09.07.2024, 'Composite Land Sale Transfer' has been notified as a public service under the ARTPS Act. The relevant parts of the Notification read as under :-

8. Name of Service : Composite Land Sale Transfer

<table>
<tr><td>Service</td><td colspan="8">Composite Land Sale Transfer</td></tr>
<tr><td>DPS</td><td colspan="8">DC</td></tr>
<tr><td>Timeline (in days)</td><td colspan="8">45 working days (including the notice period; excluding the time taken between issue of NOC and execution of the Sale Deed; executing the auto-mutation period.)</td></tr>
<tr><td>Documents Required</td><td colspan="8">1. Up-to-date Land Revenue Receipt (to be auto-fetched through e-Khajana).
2. Proof of Citizenship of Purchaser.
3. Affidavit/Self-declaration on oath affirming that the purchaser is an agriculturist, in case of agricultural land, as per pt. 9.2 of Land Policy, 2019.
4. Up-to-date non-encumbrance certificate (optional).
5. Photo of Buyer.
6. PAN Card of Buyer and Seller.
7. Self-declaration on oath by the seller stating that the land is free from encumbrance, and litigation, and has clear title & undisputed possession over the land.</td></tr>
<tr><td>DPS</td><td colspan="8">DC</td></tr>
<tr><td>Workflow</td><td colspan="8">LM –> CO –> DA –> CO –> ADC –> DC; SRO –> CO</td></tr>
<tr><td rowspan="3">Working Timeline (in days)</td><td>LM</td><td>CO</td><td>DA</td><td>CO</td><td>ADC</td><td>DC</td><td>SRO</td><td>Automation</td></tr>
<tr><td>10</td><td>4</td><td>2</td><td>3</td><td>5</td><td>5</td><td>-</td><td>7</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td rowspan="3">Revert/De-escalation Timeline (in days)</td><td>5</td><td>3</td><td>-</td><td>2</td><td>3</td><td>3</td><td>-</td><td>-</td></tr>
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<tr><td>First Appellate</td><td colspan="8">DLR&S</td></tr>
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Authority								
Stipulated time for Appellate Authority (in days)	30							
Second Appellate Authority	AAT/RTPS Commission							
Stipulated Time for Appellate Authority (in days)	60							
Fees (In Rs.)		Area	NOC		Registration	Mutation	Partition	Total
	Composite Land Sale Transfer	Rural Area (including periphery)	500/-		As admissible & User Charge nil	200/-	200/-	900/-
		Urban Area	1000/-		Do	500/-	500/-	2000/-
		GMC & SMC	2500/-		Do	1000/-	1000/-	4500/-

7. Section 8 of the ARTPS Act has provided for remedy of appeals to a person who does not get in the notified public service within the time limits specified under Section 4, or is aggrieved by a decision of the Designated Public Servant. He may within 30 days from the expiry of the stipulated period or from the date of receipt of such decision, as the case may be, prefer an appeal under Section 8[1] to the 1st Appellate Authority notified under sub-section [3] of Section 4. The proviso to sub-section [1] of Section 8 has provided that the 1st Appellate Authority may admit the appeal after the expiry of 30 days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

8. As the petitioner has preferred the 1st appeal before the respondent no. 2 who is not the 1st Appellate Authority under the ARTPS Act, the respondent no. 2 will not have the authority and jurisdiction to entertain and dispose of the appeal. The petitioner is to avail the remedy of 1st appeal before the Director of Land Records and Surveys, etc., Assam by filing of an appeal before him. Therefore, no direction can be passed to the respondent no. 2 to entertain and dispose of the 1st appeal, stated to have been filed by the petitioner before him on 10.08.2026.

9. While parting with, it is observed that if the petitioner wants delivery of the notified public service, 'Composite Land Sale Transfer' and is aggrieved by findings recorded in the Rejection Order, which he has termed as non-spaking order, the petitioner can still prefer an appeal before the 1st Appellate Authority notified under Section 8[1] of the ARTPS Act, that is, the Director of Land Records and Surveys, etc., Assam, by seeking condonation of the period of delay which had occurred in the meantime, in view of the fact that the period of limitation for filing the 1st Appeal has already expired. As noted above, as per the proviso to sub-section [1] of Section 8 of the ARTPS Act, the 1st Appellate Authority can admit an appeal after expiry of the period of limitation of filing an appeal if the said Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. Therefore, the petitioner while filing the appeal before the 1st Appellate Authority, shall also file an application seeking condonation of the period of delay that had occurred in the meantime by showing the causes which had prevented him from filing the appeal in time, and if such an application is filed by the petitioner, the 1st Appellate Authority shall consider the application for condonation of the period of delay to arrive at satisfaction whether the appellant has been able to show sufficient cause or not, and thereafter, based on the decision taken on that application, shall proceed to consider the appeal on merits and in accordance with law.

10. With the observations made and the directions given above, the writ petition is

disposed of. No cost.

JUDGE

Comparing Assistant