

GAHC010028442026



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

Case No. : WP(C)/848/2026

SRI GHANA KANTA DAIMARY
SON OF- BAPU RAM DAIMARY,
RESIDENT OF- VILLAGE- DHUPGURI, P.O.-CHATIANTALI, PS. AND DIST. -
MORIGAON, ASSAM, PIN- 782127.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.
OFFICE OF THE DIRECTORATE OF LAND RECORDS AND SURVEYS ETC
RUPNAGAR
GUWAHATI-32
ASSAM

3:THE ADDITIONAL DIRECTOR OF LAND RECORDS
OFFICE OF DIRECTORATE OF LAND RECORDS AND SURVEYS ETC.
RUPNAGAR
GUWAHATI-32
ASSAM.

4:THE DISTRICT COMMISSIONER
MORIGAON
DISTRICT HEADQUARTER
MORIGAON-782105
ASSAM.

5:SHRI DIP KUMAR DEORI
S/O- BALI RAM DEORI

VILL.- DHUPGURI
P.O. - CHATIA NTOLI
DIST.- MORIGAON
ASSAM
PIN-782127

Advocate for the Petitioner : MR H K DAS, MS. B SAIKIA, MS D MAHANTA, MR N K SARMA

Advocate for the Respondent : SC, REVENUE, FOR CAVEATOR, MR N Z CHOUDHURY, A R BHUYAN, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16.02.2026

Heard Mr. H.K. Das, learned counsel for the petitioner.

2. This writ petition has been filed praying for setting aside of the order of dismissal passed by the Deputy Commissioner, Morigaon vide order dated 30.12.2025 and the order which was passed pursuant to the directions issued by the Director of Land Records, Assam on 04.12.2025.

3. According to the writ petitioner, the petitioner appointment was challenged by the private respondent/caveator before the DLR and the DLR by the impugned order dated 04.12.2025 issued a direction to the to the Deputy Commissioner to take necessary action by following due process of law. However, the Deputy Commissioner without issuance of any show cause notice, issued the impugned order dismissing the petitioner from his post as Gaon Pradhan. Being aggrieved, the writ petitioner has before this court.

4. At the outset, it is seen that Executive Instruction 162(D) provides for review against the orders passed by the DLR.

5. On a pointed query made by the Court, the learned counsel for the

petitioner submits that no review has been filed. However, if liberty is granted, he can file a review as prescribed under Regulation 162 (D). However, he has expressed apprehension that the post in which the petitioner was serving and from which he was terminated has not been filed up and if during the process of the review being filed by the petitioner, the post is filed up then his claims will become infructuous.

6. Mr. A.R. Bhuiya, learned counsel appearing for the Caveator as also Mr. S Dutta, learned counsel appearing for the State submits that the petitioner should be directed to file a review as prescribed under regulation 162 (D). Regulation 162 (D) of the Executive Instructions reads as under:

”162-D A petition for review the order of the Commissioner of Divisions shall lie to the State Government within a period of 90(ninety) days from the date of passing of such order by the Commissioner. The State Government, on receipt of such application for review and after giving reasonable opportunity of being heard to the parties likely to be affected, may,-

(a) Confirm or set aside the order of the Commissioner,

(b) Remit the case directing him to take such further action on inquiry as he considers proper in the circumstances of the case provided that petition shall however be accepted by the State Government for review of any petition after the expiry of 90 (ninety) days and unless the relief sought under different appellate authorities were exhausted as provided under Executive Instructions 162B and 162C.”

7. Upon a perusal of the provisions, it is seen that there is a clear provision for preferring a review against any orders passed by the Director of Land Records. The order of dismissal dated 30.12.2025 passed by the Deputy Commissioner, Morigaon is in pursuance to the directions dated 04.12.2025 passed by the DLR on an appeal filed by the Caveator/private respondent questioning the appointment of the writ petitioner.

8. Under such circumstances, this Court is of the view that since there is a provision for a statutory remedy and according to the Court the remedy appears to be just and proper for the petitioner, the writ petition is closed at this stage

permitting the petitioner to approach the State Government for filing review against the orders passed by the DLR.

9. The review, if any, shall be preferred by the petitioner within a period of 10 days from the date of receipt of a certified copy of this order and thereafter the respondent authority namely the Addl. Chief Secretary, Government of Assam, Revenue and Disaster Management will endeavor to dispose of the appeal as expeditiously as possible within the outer limit of 90 days from the date of receipt of a certified copy of this order.

10. In the event, the review preferred by the petitioner is allowed by the competent authority then consequential orders thereto shall also be passed keeping in view the order dated 30.12.2025 passed by the Deputy Commissioner, Morigaon.

11. Till the disposal of the review, the State respondent will not proceed to fill up the post of Gaon Pradhan of Dhupguri, Bhuyanbari Paam and Bhuyanbari Pathar Kissam Village under the revenue Circle Lahari Ghat in the District of Morigaon till the final orders passed by the authority exercising review jurisdiction as prescribed under Regulation 162 D of the Executive Instruction.

JUDGE

Comparing Assistant