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

Case No. : WP(C)/1377/2025

DULAL CH BANIA
S/O. LATE SASIDHAR BANIA VILL- DHOLPUR P.S- BLPURLA DIST-
LAKHIMPUR PIN- 784165

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY CHIEF SECRETARY GOVT OF ASSAM, DISPUR,
GUWAHATI, PIN- 781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GUWAHATI

DISPUR PIN- 781006

3:THE DISTRICT COMMISSIONER
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM
PIN 787001

4:CIRCLE OFFICER
NARAYANPUR REVENUE CIRCLE
NO. 2
KINAPATHAR

DISTRICT-LAKHIMPUR
PIN- 78416

Advocate for the Petitioner : MS. T SOM, MR H DAS

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 23-05-2025

Heard Mr. R.P. Sarma, learned Sr. counsel assisted by Ms. T. Som, learned counsel appearing for the petitioner. Also heard Mr. J. Handique, learned standing counsel, Revenue Department, Govt. of Assam appearing for the respondent No. 2 and Mr. D. Bora, learned Govt. Advocate, Assam appearing for the respondent Nos. 1, 3 and 4.

By filing this writ petition, the petitioner has *inter alia* assailed his suspension order dated 01-10-2023 issued pursuant to his arrest in connection with ACB P.S. Case No. 73/2023.

During the course of argument, Mr. Sarma, learned Sr. counsel for the petitioner has submitted that although the order of suspension of the petitioner has been continued till today, there has no proper review of the same nor is there any order extending the suspension with due intimation to the petitioner. Taking note of such submission of Mr. Sarma, this Court had asked the learned Govt. Advocate, Assam to obtain instruction.

Today, when the matter is called up, Mr. D. Bora, learned Govt. Advocate, Assam has produced a copy of the writ instruction dated 22-05-2025 issued by the Addl. District Commissioner (REV), Lakhimpur, which goes to show that the order of suspension of the petitioner was reviewed on 14-05-2024 and again on 15-08-2024. However, the written

instruction is silent on as to whether, the orders of extension of suspension were formally communicated to the petitioner. Whether an order of extension of suspension, even if carried out within a period of 90 days but without communicating to the delinquent officer, would be valid in the eyes of law is a matter which would call for determination by this Court. However, before embarking on an exercise to adjudicate upon the issues raised in the writ petition, this Court is of the opinion that the respondents must be directed to file affidavit. This is more so since Mr. D. Bora, learned Govt. Advocate, Assam has submitted that the records have since been transmitted to the Director of Land Records. Therefore, action, if any, in the matter is now required to be taken by the DLR.

Having taken note of the facts and circumstances of the case, this Court is of the opinion that the matter would require further examination.

Issue notice of motion returnable on 09-06-2025.

Since the respondents are already represented, no formal notice is required to be sent in this case.

Extra copies of the writ petition, requisite in number, be furnished to the learned departmental counsel so as to enable them to obtain instruction and file affidavit.

Affidavit on behalf of the respondents be positively brought on record on/ or before 04-06-2025 by serving advance copy upon the petitioner's counsel.

This writ petition shall be taken up for disposal at the stage of admission hearing. Parties to come prepared accordingly.

It is made clear that if the respondents fails to file counter affidavit on or before

the next date fixed, the writ petition will be taken up for disposal on the basis of materials available on record.

Copy of the communication dated 22-05-2025 be retained in the record of this case.

JUDGE

Comparing Assistant