

GAHC010051812024



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

Case No. : WP(C)/1452/2024

MATILAL BASUMATARY
S/O LATE SATI RAM BASUMATARY, R/O VILL- GUWABARI, P.O.-
RANCHAIDHAM, P.S.-BASUGAON, DIST- CHIRANG, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
DIST-KOKRAJHAR
ASSAM

3:THE SECRETARY
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BTC
DIST- KOKRAJHAR
ASSAM

4:THE DIRECTOR OF LAND RECORDS AND SURVEYS
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DIST- KOKRAJHAR
ASSAM

5:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
SIDLI

DIST-CHIRANG
ASSAM

6:THE CIRCLE OFFICER
BIJNI REVENUE CIRCLE
BIJNI
DIST-CHIRANG
ASSAM

7:RABINDRA DAS
S/O KRISHNA MOHAN DAS
LAT MANDAL (WORKING ON DEPUTATION)
SIDLI REVENUE CIRCLE
SIDLI
DIST- CHIRANG
ASSA

Advocate for the Petitioner : MR. A K HUSSAIN

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 13.03.2024

Heard Mr. A.K. Hussain learned counsel for the petitioner who submits that the petitioner has been transferred from Sidli Revenue Circle to Bijni Revenue Circle vide order dated 09.01.2024. However when the petitioner proceeded to join the new place of posting, his joining report was not accepted by the Circle Officer, Bijni Revenue Circle on the ground that there was no vacancy for him to join in view of the Stay Order passed by the High Court on 19.01.2024 on a Writ Petition filed by one, Akhil Kumar Ray i.e, WP(C)/275/2024 and the other post of Lot Mandal being already occupied by one, Mr. Shyamlal Owarly in terms of the transfer order dated 09.01.2024.

According to the learned counsel for the writ petitioner, in view of their

being no vacancy, the Circle Officer, Sidli Revenue Circle has asked the petitioner to join back in his earlier place of posting i.e, Sidli Revenue Circle. The learned counsel also submits that one, Dandadhar Ray who was posted in Sidli Revenue Circle has already been transferred to Jalah Revenue Circle as per the order dated 09.01.2024.

In view of the above, issue notice of motion, returnable by 3(three) weeks.

Mr. P. Nayak, the learned counsel appears for respondents nos. 2,3 and 4 and J.Handique, leaned counsel appears for respondent no. 1 and accepts notice. Mr. C.S.Hazarika, accepts notice on behalf of the respondent nos. 5 and 6.

Petitioner to take steps for service of notice on behalf of respondent no. 7 by a Registered Post within 3 days.

In the interim, it is hereby provided that since the petition has been allowed to stay in Sidli Revenue Circle, he shall not be disturbed till the next date of listing.

List the matter on 19.04.2024.

JUDGE

Comparing Assistant