

GAHC010106192026



undefined

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

Case No. : WP(C)/2802/2026

BIRSON DAIMARY
SON OF SHRI DANDESWAR DAIMARY, RESIDENT OF VILLAGE
KHAMAGURI, P.O. BORO BAZAR, DISTRICT- CHIRANG, ASSAM, PIN-
783390.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, TO THE GOVERNMENT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUT, GUWAHATI-6.

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN-783370.

3:THE SECRETARY

LAND RECORDS AND DISASTER MANAGEMENT DEPARTMENT
BTC
KOKRAJHAR-783370.

4:THE DIRECTOR
LAND AND SURVEYS
BTC
KOKRAJHAR
ASSAM
PIN-783370

5:THE DISTRICT COMMISSIONER

CHIRANG
DISTRICT-CHIRANG
ASSAM

6:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE
DISTRICT- CHIRANG
BTC
ASSAM

7:THE CIRCLE OFFICER

MAZBAT REVENUE CIRCLE
DISTRICT- UDALGURI
BTC
ASSAM

8:MITHISAR OWARY
S/O SRI PARSURAM OWARY
R/O VILLAGE- BASHBARI
P.O. AND P.S RUNIKHATA
DISTRICT - CHIRANG
BTC
ASSAM
PIN- 783375

Advocate for the Petitioner : MR R DHAR, J DAS

Advocate for the Respondent : GA, ASSAM, FOR CAVEATOR,G L BORA,MR. K SINGHA,SC,
REVENUE,SC, BTC

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.05.2026

Heard Mr. R Dhar, learned counsel for the petitioner. Also heard Ms. B Borah, learned counsel for the BTC, Mr. S Dutta, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no.1, Ms. U Sharma,

learned State Counsel for the respondents no. 5, 6 & 7 and Mr. K Singha, learned counsel for the respondent no.8.

2. The petitioner is aggrieved by the order dated 19.05.2026 issued by the respondent no.4, whereby the petitioner has been directed to join Mazbat Revenue Circle as per the earlier order dated 13.02.2026. By earlier order dated 13.02.2026, the petitioner along with 3 (three) others were transferred from their places of posting to their new places of posting. This order in respect of the petitioner, however, subsequently came to be stayed by order dated 26.02.2026. It is submission of the learned counsel for the petitioner that without any rhyme or reason the impugned order dated 19.05.2026 was passed on the ground that the same is in deference to the order passed by this Court in WP(C) No.1228/2026 disposing the writ petition by order dated 04.05.2026. Earlier the present respondent no.8 had approached this Court by filing WP(C) No.1228/2026 as the petitioner challenging his transfer order. During the pendency of the said writ petition filed by the present respondent no.8, on the submissions made by the learned Standing Counsel, BTC, that the earlier transfer order stood cancelled, the writ petition being WP(C) No.1228/2026 cause to be closed by order dated 04.05.2026 by directing the BTC Authorities to ensure that the petitioner therein is reverted back or retained in his earlier place of posting prior to the issuance of the order dated 24.02.2026. No

reference was made to the order dated 26.02.2026 issued by the Director Land Records and Surveys staying the transfer of the present petitioner from his place of posting i.e. Sidli Revenue Circle to Mazbat Revenue Circle. Consequently, this Court did not have the occasion to deal with the order dated 26.02.2026 in respect of the present writ petitioner.

3. The learned counsel for the BTC submits that she does not have any instructions and prays for 2 (two) weeks time to complete her instructions.

4. Under such circumstances, the impugned transfer order dated 19.05.2026 issued by the respondent no.4, in so far as the writ petitioner is concerned, will not be given effect to in view of the fact that by an earlier order dated 26.02.2026 the transfer order was already stayed by the Department and this order is not seen to be recalled or cancelled in the impugned transfer order dated 19.05.2026.

5. List the matter again after 2 (two) weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant