

GAHC010110462025



undefined

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

Case No. : WP(C)/2786/2025

SIRAJUL ISLAM
S/O KHALILUR RAHMAN R/O VILL. SONARIGAON, P.O-- SONARIGAON
P.S-- DHING, DISTRICT- NAGAON, ASSAM PIN-782123

VERSUS

THE STATE OF ASSAM AND 5 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT (LAANDL)
DEPARTMENT, ASSAM SECRETARIAT (CIVIL), DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
RUPNAGAR
GUWAHATI-781032

3:THE DISTRICT COMMISSIONER

NAGAON
ASSAM
PIN 782001

4:THE OFFICE OF THE COMMISSIONER OF CENTRAL ASSAM DIVISION

NAGAON
REPRESENTED BY ITS COMMISSIONER
NAGAON ASSAM
PIN-782001

5:THE CIRCLE OFFICER
DHING REVENUE CIRCLE
DIST. NAGAON

ASSAM
PIN- 782123

6:MD AKTAR HUSSAIN
SON OF LATE KHASNUR ALI ALIAS MASNUR ALI
RESIDENT OF VILLAGE SONARIGAON
DHING
NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : DARAK ULLAH, MS A HUSSAIN, SABRISH AHMED

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

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 26/05/2025

Heard Mr. Darak Ullah, learned counsel for the writ petitioner. Perused the statements made in the writ petition.

The order dated 15/05/2025 passed by the Secretary to the Government of Assam, Revenue and DM Department, Assam, setting aside the earlier order dated 25/08/2021 issued by the Commissioner, Central Assam Division, Nagaon, restoring the appointment of the respondent no. 6 as Gaon Pradhan by setting aside the appointment of the writ petitioner has been put under challenge in this writ petition *inter alia* on the ground that by ignoring the concrete evidence available on record indicating that the respondent no. 6 is suffering from Parkinsons disease, the review petition filed by the respondent no. 6 has been allowed by complete non-application of mind.

Mr. S. Dutta, learned Standing Counsel, Revenue & DM Department, Assam and Mr. T.C. Chutia, learned Additional Senior Government Advocate, Assam, appearing for the State, have prayed for some time to obtain instruction.

Issue notice of motion returnable in four weeks.

Since Mr. S. Dutta, learned Standing Counsel, Revenue & DM Department, Assam has accepted notice on behalf of the respondent nos. 1 & 2 and Mr. T.C. Chutia, learned Additional Senior

Government Advocate, Assam, has accepted notice on behalf of the respondent nos. 3, 4 & 5, service of notice on respondent nos. 1 to 5 is deemed to be complete in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within three days from today, so as to enable them to obtain instruction and file affidavit.

Petitioner to take steps for service of notice upon the respondent no. 6 by registered post with A/D within three days from today.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that operation of the impugned order dated 15/05/2025 (Annexure-VIII) shall remain stayed till the returnable date.

List the matter accordingly.

JUDGE

Comparing Assistant