

GAHC010228992023



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

Case No. : WP(C)/6021/2023

DAMODAR DAS
S/O LATE MOTI RAM DAS, R/O VILL-BARKURIHA, P.O.-TITKURI, P.S.-
RANGIA, DIST-KAMRUP (R), ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY AND DISASTER
DEPARTMENT, DISPUR, GUWAHATI, PIN-781006

2:THE DEPUTY COMMISSIONER
KAMRUP RURAL DISTRICT
AMINGAON
PIN-

3:THE SUB-DIVISIONAL OFFICER (CIVIL)
RANGIA
PIN-

4:THE CIRCLE OFFICER
RANGIA REVENUE CIRCLE
KAMRUP
ASSA

Advocate for the Petitioner : MR. J SARMAH,

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT
DEPT,MS G HAZARIKA (R 1),MR. N GOSWAMI (R 2, 3 & 4)

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

10-11-2025

1. Heard Mr. J. Sarmah, learned counsel for the petitioner and Mr. J. Handique, learned State counsel representing the District Commissioner, Kamrup (R), for the respondent No.2.

2. The petitioner preferred an application for partition of a plot of land through 'Basundhara' portal by paying process fee of Rs. 2,000/-. He was issued an acknowledgment bearing No. RTPS/PART/2022/34946 dated 28.07.2022. The stipulated period of such service is to be provided within a period of 15 days from the date of receipt of such application.

3. The track report, which is a part of the records, also discloses that the stipulated delivery date was 12.08.2022. However, it is the grievance of the petitioner that such public service has not yet been delivered to him.

4. The Circle Officer, Rangia Revenue Circle, respondent No. 4, has filed an affidavit and has admitted the position that the petitioner and his brother had applied for the partition of their land. However, dag of said plot of land comprises of the names of other pattaders along with the name of the petitioner and as such, consensus of the co-pattadars is required to carry out the partition process.

5. This Court is of the considered opinion that such may be a ground for rejection of the petitioner's application for partition of the land, if permissible under law. However, on such stand, under the mandate of the Assam Right to Public Services Act, 2012 (hereinafter referred to as the aforesaid Act, 2012), an application cannot be kept pending beyond a period of 15 days from the date of its receipt, inasmuch as, under the

aforesaid Act, 2012, a Designated Public Servant is required to pass a Speaking Order and to give an opportunity of hearing to the applicant, which has not been done in the present case.

6. Therefore, in the prima facie opinion of this Court, the Designated Public Servant who dealt with the application of the petitioner, is liable to pay a fine in terms of the aforesaid Act, 2012 w.e.f. 12.08.2022.

7. At this stage, Mr. Handique, learned counsel representing the District Commissioner, Kamrup (R), seeks for adjournment to complete his instruction as to whether the application for partition of land filed by the petitioner has already been decided/disposed of and if so, he shall furnish a copy of the same on the next date fixed.

8. List this matter on **17.11.2025**.

JUDGE

Comparing Assistant