

GAHC010239592022



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

Case No. : WP(C)/7658/2022

DIPAK BARUAH
S/O- LT. TARINI BARUAH, R/O- VILL- BARKUMARPARA, P.O.
AULACHOWKA, P.S. MANGALDAI, DIST.- DARRANG (ASSAM), PIN- 784125

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
REVENUE, DISPUR, GHY-6

2:THE COMMISSIONER
NORTH ASSAM DIVISION AT TEZPUR
P.O. TEZPUR
DIST.- SONITPUR (ASSAM)

3:THE DY. COMMISSIONER OF DARRANG DISTRICT
P.O. MANGALDAI
DIST.- DARRANG
ASSAM

4:THE ADDL. DY. COMMISSIONER
DARRANG (REVENUE)
P.O. MANGALDAI
DIST.- DARRANG
ASSAM

5:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE
P.O. MANGALDAI
DIST.- DARRANG
ASSAM

6:SRI NIPUL KUMAR BANIA
S/O- SRI KHARGESWAR BANIA
R/O- VILL- BARKUMARPARA
P.O. AULACHOWKA
P.S. MANGALDAI
DIST.- DARRANG (ASSAM)
PIN- 78412

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

08.12.2022

Heard Mr. A Ali, learned counsel for the petitioner. Also heard Mr. J Handique, learned counsel for the respondents under the Revenue Department, Government of Assam, Mr. SS Roy, learned counsel for the Deputy Commissioner, Mangaldai.

2. The selection and appointment of the respondent No.6 as Gaonburah of Barkumarpara Lat under Rangamati Mouza is assailed in this writ petition on the ground that in the selection process, the Mouzadar of Rangamati Mouza has also provided his opinion as to which of the candidates should be considered for being the Gaonburah and also who should be not and such material is made the basis in the selection process. No such relevant provision of law by which the Mouzadar has been given the authority for making such selection has been brought to the notice of the Court as to which candidate has to be selected and who should not be selected. As an unauthorized act on the part of a Mouzadar

was also made the basis in the selection process, *prima facie*, it appears that the entire selection process is vitiated.

3. Accordingly in view of the above, issue notice on the respondent No.6 as to why appropriate interim order should not be passed in the matter.

4. The petitioner to take steps for service of notice on the respondent No.6 by registered post with A/D within three days. Petitioner is also allowed to effect dasti notice on the respondent No.6 through the Registry of this Court and to file an affidavit to that effect.

5. List in the next week for appropriate order.

6. The offer of dasti notice on the respondent No.6 may be made by taking an independent witness along who may testify of the dasti notice being effected upon the respondent No.6.

JUDGE

Comparing Assistant