

WP(C) 4587/2009
BEFORE
HON'BLE MR JUSTICE AMITAVA ROY

Heard Mr Das, learned senior counsel for the petitioner. Also heard Mr G hosh, learned State Counsel.

Having regard to the nature of the controversy and the relief prayed for , this petition is being disposed of at the motion station.

Shortly put, the petitioner's pleaded version is that by order dated 20 .3.2008 he has been appointed as Gaon Burah of village Pub-Padokhat as per the Land and Revenue Regulation, 1886 (for short hereafter referred to as the 'Reg ulation') . An appeal being preferred against his appointment by the Respondent No.6, the appellate authority i.e. Commissioner, Lower Assam Division, vide his order dated 21.7.2009 set aside the order of appointment and directed the Depu ty Commissioner, Darrang, Mangaldoi to invite fresh applications to initiate a new process. Being dissatisfied with the order of the Commissioner, the petition er has submitted a review petition before the government. The concerned authorit y of the government while entertaining the said application by his order dated 3.9.2009 has stayed the operation of the order of cancellation passed by the C ommissioner, Lower Assam Division. This has been inter alia communicated to the parties involved including the petitioner by a letter of the even date of the De puty Secretary to the Govt. of Assam, Revenue & D.M. (L.R.) Department. Meanwhil e, the Deputy Commissioner, Darrang, by the impugned order dated 1.9.2009 has withdrawn the appointment order of the petitioner dated 20.3.2008 pursuant to th e order of the Commissioner, Lower Assam Division dated 21.7.2009 referred to h ereinabove. The representation submitted by the petitioner on 17.10.2009 befor e the Deputy Commissioner, Darrang against this order narrating the above state d facts has remained undisposed as on date. He is thus before this Court.

Upon hearing the learned counsel for the parties and on a consideration of the backdrop of facts as above, this petition is disposed of with a direction to the Deputy Commissioner, Darrang, Mangaldoi to consider and dispose of the p etitioner's representation referred to hereinabove within a period of two weeks from the date of receipt of the certified copy of this order. As on the face of the record, the government while responding to the review petition submitted by the petitioner has meanwhile stayed the operation of the order dated 24. 7.200 9 of the Commissioner, Lower Assam Division cancelling his appointment as Gaon Burah of the aforementioned village, it is provided that, till disposal of the r epresentation, the impugned order dated 1.9.2009 of the Deputy Commissioner, Dar rang shall not be given effect to.

The petition stands allowed in the above terms. No costs.