GAHC010107692026

2026:GAU-AS:9300

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

Case No. : WP(C)/2889/2026

BADSHA SHEIKH
S/O- JURAN ALI

2: NAJIR UDDIN
S/O- LT. IJAT ALI

3: TASEM ALI
S/O- LT. IJAT ALI

4: SAIFUL ISLAM
S/O- MUSAB UDDIN

VILLAGE- SONTUSHPUR
P.S.- TILAPARA
REVENUE CIRCLE- CHAPAR

DISTRICT- DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM AND OTHRS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
DHUBRI
P.O. DISTRICT- DHUBRIPIN- 783301.

3:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLEP.O.- CHAPARDISTRICT- DHUBRI
ASSAMPIN- 783371

Advocate for the Petitioner : MS F INTAZ, MR. W A SHEIKH,MS S A KHALIFA,MR. M A SHEIKH

Advocate for the Respondent : SC, REVENUE, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

Date : 25.06.2026

Heard Mr. M.A. Sheikh, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. The petitioners, 4 in nos., have joined together to prefer the instant writ petition under Article 226 of the Constitution of India stating that they have a common cause of action. It is the case of the petitioners that about five decades earlier, the predecessors-in-interest of the petitioners had settled in a parcel of land, covered by Dag no. 206/178, located at Revenue Village - Sontushpur, Chapar Revenue Circle, District – Dhubri, Assam. The family of each of the petitioners is in occupation of areas of land measuring 1 Katha & 5 Lessas/1 Bigha, 1 Katha & 5 Lessas/1 Bigha. They apart from using the parcel of land for their homestead purposes, have also been using the parcel of land for plantation. It is the further case of the petitioners that being landless persons, they applied for allotment of those parcels of land and the District Administration had issued a number of Allotment Letters, which are annexed as Annexure nos. 1, 1A, 1B, 1C & 1D respectively to the writ petition. In due course, the petitioners submitted applications for the notified public service 'Conversion of Allotment Certificate to Periodic Patta' in the designated portal and the applications of the petitioners were duly acknowledged. The application acknowledgments are annexed to the present writ petition as Annexure nos. 4, 4A, 4B & 4C respectively.

3. As per acknowledgement receipts, the notified public service, 'Conversion of Allotment

Certificate to Periodic Patta' was to be extended to the petitioners within a period of ninety days from the date of the application. Therefore, the petitioners were waiting for the outcome of their applications. The petitioners have stated that despite submission of their applications on 07.12.2024, 26.11.2024 and 09.12.2024 and elapse of the statutory period of ninety days for consideration, neither the notified public service had been extended to the petitioners nor any speaking order had been passed, as mandated by the provisions of the Assam Right to Public Services Act, 2012, as amended.

4. In this connection, it is relevant to refer to a Notification dated 09.07.2024 of the Revenue & Disaster Management Department, Government of Assam which was published in the Official Gazette on 12.07.2024. By the Notification dated 09.07.2024, 'Conversion of Allotment of Certificate to Periodic Patta' has been notified as a public service under the Right to Public Services Act. The relevant parts of the Notification read as under :-

Name of Service :- Conversion of Allotment of Certificate [AC] to Periodic Patta [PP]

Service	Conversion to AC to PP				
Eligibility Criteria	Applicants, who have been allotted Land by the Government as per extant policy and rules, can apply for conversion of Allotment Certificates to Periodic Patta.				
Documents Required	1. Allotment Certificate. 2. Legal heir document [in case allottee has expired]				
DPS	DC				
Timeline [in days]	90				
Workflow	LRA – LRS – CO – ADC – DC				
	LRA	LRS	CO	ADC	DC
Working Timeline [in days]	30	5	15	5	5
Revert/Descalation Timeline [in	10	-	5	5	10

days]					
First Appellate Authority	DLR&S				
Stipulated time for First Appellate Authority	30				
Second Appellate Authority	AAT/RTPS Commission				
Stipulated time for First Appellate Authority	60				
Fees [in Rs.]	500/-				

5. As per Section 8 of the Assam Right to Public Service Act, 2012 which has provided for a remedy of appeal, any person who, does not get notified service within the stipulated time limit specified under Section 4 or is aggrieved by a decision of the Designated Public Servant, may, within 30 days from the expiry of the stipulated period or from the date of receipt of such decision, as the case may be, prefer an appeal to the 1st Appellate Authority notified under sub-section [3] of Section 4. It is provided that the 1st Appellate Authority may admit the appeal after the expiry of 30 days if he or she is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time. The Appellate Authority may order the Designated Public Servant to provide the notified service within the stipulated time limit as specified in the notification under Section 4 for that service or may reject the appeal and in case of rejection of the appeal, the Appellate Authority shall record the reasons in writing for rejection of the appeal in his order. Before deciding the appeal, the Appellate Authority shall have to give reasonable opportunity of being heard to the Appellant as well as the Designated Public Servant. The Applicant aggrieved by any order of the Appellate Authority, may make a Second Appeal within sixty days from the date of receipt of the order

of the Appellate Authority in the appeal before the Commission.

6. As the grievance raised by the petitioners in the present writ petition is with regard to non-disposal of their applications submitted for the notified public service, 'Conversion of Allotment Certificate to Periodic Patta', the petitioners have an alternative, adequate and statutory remedy of preferring an appeal before the 1st Appellate Authority, that is, the Director of Land Records & Surveys, Assam. Therefore, the writ petition is not entertained in the given facts and circumstances and in view of availability of the alternative, adequate and statutory remedy, reserving the liberty to the petitioners to avail the remedy of appeal under Section 8 of the Assam Right to Public Services Act. If the petitioners intend to prefer such appeal, then the same shall be filed before the 1st Appellate Authority, that is, the Director of Land Records & Surveys, Assam within a period of thirty days from today and on filing of such appeal, the 1st Appellate Authority shall entertain the appeal and consider the same on merits within the time period prescribed in the Assam Right to Public Services Act. As the petitioners have raised an apprehension that the respondent authorities are contemplating their eviction from the parcel of land under reference, the 1st Appellate Authority shall also consider such prayer for interim relief, if sought for by the petitioners on merits and may pass an interim order, as permissible under the law. It is needless to mention that the appeal is to be disposed of by passing a speaking order within the prescribed period as mandated by the Assam Right to Public Services Act.

7. With the observations made and direction given above, the writ petition is disposed of.

JUDGE

Simanta Das

Digitally signed by Simanta Das
DN: c=IN, o=Personal, postalCode=783384, l=Bongaigaon, st=Assam, street=TownAbhayapuri, Ward No4 Tengnamari , Bongaigaon, Bongaigaon Assam India 783384, title=8727, 2.5.4.20=caa9a1c0be9434e0740ca5dfb8fb8695db6814b46202926df0aea3036caed4e3c, serialNumber=d950a33227bd4a5ce185958e9d34bdfd7c09e2ca0a1f463628df94fa581ffcb03, email=simnds08@gmail.com, cn=Simanta Das
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Comparing Assistant