GAHC010204252026

2026:GAU-AS:15176

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

Case No. : WP(C)/5131/2026

DEBASISH BORA
S/O DAMBARUDHAR BORA, R/O HOUSE NO 263 RAJGARH ROAD BYE LANE 3 PS CHANDMARI GUWAHATI 03 DISTRICT KAMRUP METRO ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE (L.R) DEPARTMENT, DISPUR GUWAHATI

2:THE DIRECTOR OF LAND RECORDS AND SURVEY ASSAM
RUPNAGAR GUWAHATI 32

3:THE DISTRICT COMMISSIONER
KAMRUP(M)
RUPNAGAR
GUWAHATI 32

4:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
BASISHTHA CHARIALI
DISTRICT KAMRUP METRO
ASSAM PIN 78102

Advocate for the Petitioner : MR M A ISLAM, MR J I MONDAL

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

07.10.2026

Heard Mr. M.A. Islam, learned counsel for the petitioner; Mr. A. Bhattacharya, learned Standing Counsel, Revenue Department, Government of Assam for the respondent nos. 1 & 2; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 3 & 4.

2. The case projected by the writ petitioner in this writ petition filed under Article 226 of the Constitution of India, in brief, is that the petitioner purchased a plot of land measuring 1 Bigha 2 Kathas 9 Lessas, covered by Dag no. 918 [old] / Dag no. 4171 [new] and Patta no. 24 [old] / 626 [new], situate at Revenue Village – Barsajai, Mouza – Beltola, Dispur Revenue Circle, District – Kamrup [M], Assam [`the subject-plot] by way of two registered Sale Deeds, bearing no. 7574/85 and no. 7575/87, dated 16.07.1985. After purchase of the subject-plot, the petitioner took over possession and since then, he is in continuous possession of the subject-plot. In the course of time, the petitioner constructed residential / commercial houses/parking space in the subject-plot and also obtained electricity connection and municipal holding numbers for the said houses. In order to mutate his name in respect of the subject-plot, the petitioner submitted an application online in the comprehensive citizenship portal, 'Sewa Setu' for delivery of the notified public service, 'Mutation after Deed Registration' on 10.08.2026 and the receipt of the application has been acknowledged by generating Acknowledgement no. RTPS/MUTD/2026/5001402.

3. The petitioner has approached this Court by the instant writ petition stating inter alia that despite submission of the application on 10.08.2026, notified public service has not yet

been delivered to the petitioner by the designated public servant.

4. The Assam Right to Public Service Act, 2012 [‘the ARTPS’] has been enacted by the Assam Legislative Assembly in order to provide delivery of the notified public services to the people of the State of Assam within the stipulated time limit and for matters connected therewith and incidental hereto.

5. As per Section 3[h] of the ARTPS Act, right to public services means right to obtain the notified public service under the ARTPS Act from time to time within the stipulated time limit as prescribed under Section 5. Section 5 of the ARTPS Act has laid down that every eligible person shall have the right to obtain the services in accordance with the ARTPS Act within the time bound period as notified under Section 4. It is the responsibility of the designated public servant to deliver the services under Section 6 of the ARTPS Act within the stipulated period. The stipulated time limit, as per Section 7[1] starts from the date when application for obtaining a required notified public service submitted to the designated public servant or to a person subordinate to him authorized to receive the application. As per section 7[2] the designated public servant on receipt of the application under sub-section [1] of Section 7 shall, within the stipulated time limit, provide the notified public service or reject the application and in case of rejection of application, it shall record in writing communicate to the person making the application : [i] the reason for such rejection; [ii] the period within which an appeal against such rejection may be preferred; and [iii] the particulars of the appellate authority. An order passed under Section 7[2] is an appealable order under Section 7[8] before the 1st appellate authority notified by the State Government.

6. As per the Application Acknowledgement no. RTPS/MUTD/2026/5001402, if the application is rejected by the Revenue and Disaster Management Department, the service shall be provided within sixty days and in case the service is not delivered within sixty days, the applicant can file an appeal.

7. The period of sixty days from 10.08.2026 to deliver the notified public service,

'Mutation after Deed Registration' has not yet expired. Therefore, the writ petition is found to be premature and accordingly, the same is dismissed. No cost.

JUDGE

Comparing Assistant