GAHC010226982026

2026:GAU-AS:15529

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

Case No. : WP(C)/5670/2026

CHORAB ALI MONDAL
SON OF LATE SOMER ALI MONDAL, RESIDENT OF VILLAGE CHIRAKUTA PART II, P S CHAPAR, DISTRICT DHUBRI, ASSAM, PIN 783348.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI 781006, ASSAM.

2:THE DISTRICT COMMISSIONER
DHUBRI
PIN 783348
ASSAM

3:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE
DISTRICT DHUBRI
PIN 783371
ASSAM

Advocate for the Petitioner : MR I RAFIQUE, MR. S K M ALOMGIR,MS A AFREEN,MRS S A CHOUDHURY

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

13.10.2026

Heard Mr. I. Rafique, learned counsel for the petitioner; Mr. A. Bhattacharya, learned Standing Counsel, Revenue and Disaster Management Department, Government of Assam for the respondent no. 1; and Mr. H.K. Hazarika, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. As per the case projected in this writ petition under Article 226 of the Constitution of India, the family of the petitioner is in possession of a plot of land measuring 1 Bigha 1 Katha, covered by Government Dag no. 166, Chapar Revenue Circle, District – Dhubri, Assam [‘the subject-plot’, for short] since the time of his father for more than five decades.

3. It is stated that for delivery of the notified public service, ‘Allotment Certificate to Periodic Patta’, the petitioner submitted an application on-line in the comprehensive citizen portal, Sewa Setu on 18.06.2026 and receipt of the application was acknowledged by generating Application Acknowledgement no. RTPS/A LOT/2026/4805350. While acknowledging the receipt of the application, it was mentioned that if the application was accepted by the Revenue and Disaster Management Department, the service would be provided within ninety days. It was further mentioned that if the service was not delivered within ninety days, the applicant could raise an appeal.

4. When the petitioner tracked the status of the application in the comprehensive citizen portal, Sewa Setu, it was shown that the application was forwarded to the Additional District Commissioner / District Commissioner on 12.08.2026 for final order.

5. As the service has not been delivered to the petitioner within the stipulated delivery period of ninety days, the petitioner is before this by the instant writ petition seeking a direction to the respondent authorities, more particularly, the Designated Public Servant to

deliver the notified public service.

6. Mr. Rafique, learned counsel for the petitioner has submitted that during the pendency of the application, the petitioner has been given threat for eviction from the subject-plot on 19.09.2026. He has submitted that no eviction notice has, however, been served upon the petitioner till date.

7. In response, Mr. Bhattacharya, learned Standing Counsel, Revenue and Disaster Management Department and Mr. Hazarika, learned Junior Government Advocate have submitted that any process of eviction is to be preceded with prior notice to afford an opportunity to the noticee to file his response to such eviction notice and the respondent authorities would follow the procedure established by law. In so far as the application filed by the petitioner is concerned, they have submitted that since the application is stated to be pending, this writ petition can be disposed of with a direction to the respondent authorities, more particularly, to the Designated Public Servant to dispose of the application within a reasonable period of time.

8. Under the Assam Right to Public Services [ARTPS] Act, 2014, 'Conversion of Allotment Certificate to Periodic Patta' has been notified as a public service by a Notification dated 09.07.2024 of the Revenue and Disaster Management Department, Government of Assam. As per the eligibility criteria prescribed therein, applicants who have been allotted land by the Government as per the extant policy and rules, can apply for conversion of Allotment Certificates to Period Pattas. The documents required to be submitted at the time of filing such application are : [i] Allotment Certificate; and [ii] Legal Heir Certificate [in case allottee has expired] and the time-line for delivery of the public service is stated to be ninety days.

9. Mr. Rafique has submitted that the required documents have been submitted by the petitioner at the time of submission of the application on 18.06.2026.

10. As the time-line of ninety days from 18.06.2026 has since expired, and taking into consideration the submissions made by the learned counsel appearing for the State

respondents, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities, more particularly, the Designated Public Servant, that is, the District Commissioner, Dhubri [the respondent no. 2] to dispose of the application of the petitioner strictly in terms of the ARTPS Act within a period of thirty days from the date of submission of a certified copy of this order by the petitioner at his office.

11. It is accordingly ordered. As regards the perception of threat raised by the petitioner, it is worthwhile to observe that any process of eviction is to be strictly as per the procedure established by law which procedure requires service of a prior notice.

12. This order disposes of the writ petition.

JUDGE

Comparing Assistant