

GAHC010004622015



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

**Case No. : RSA 95/2018**

1:MD. HARUN RASHID  
R/O SINGIA GAON, MOUZA JURIA, P.S. JURIA, DIST. NAGAON, ASSAM,  
REPRESENTED BY HIS ATTORNEY, MD. ATAUR RAHMAN, S/O HAJI AYUB  
ALI, R/O HAIBARGAON, DHING ROAD, MOUZA TOWN, P.S. SADAR, DIST.  
NAGAON, ASSAM.

VERSUS

1:MD. ABDUS SAMAD and ANR,  
R/O DHING GATE, HAIBORGAON, MOUZA TOWN, P.S. SADAR, DIST.  
NAGAON, ASSAM.

2:NAGAON DEVELOPMENT AUTHORITY  
REPRESENTED BY ITS CHAIRMAN  
S.M. ROAD  
P.O. NAGAON  
DIST. NAGAON  
ASSAM

**Advocate for the Petitioner : MR. P P BARUAH**

**Advocate for the Respondent : MR. A ROSHID (R1)**

**BEFORE  
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA**

**ORDER**

**Date : 03-09-2018**

Heard Mr. R. Sarma, the learned counsel for the appellant. Also heard Ms. R. Choudhury, the learned counsel for the respondent No.1.

This second appeal is admitted on the following substantial questions of law:

1. Whether the learned court below committed illegality in not framing the core issue as regards the violation of terms and conditions of building permission by the defendant No.1 issued in his favour by the Nagaon Development Authority?
2. Whether there is any encroachment by the defendants/respondents over the land of the plaintiff/appellant while carrying out the construction as claimed by the plaintiff/appellant.

Any other substantial question of law those may be formulated at the time of hearing.

Let LCR be called for.

The appellant shall take steps on the respondent No.2 leaving aside the respondent No.1 as the same is represented by Ms. R. Choudhury.

Steps be taken within a period of three days from today both by way of registered post with A/D and usual process returnable on 30.10.2018.

**JUDGE**

**Comparing Assistant**