

WP(C) 2233/2015
BEFORE
HON'BLE MR. JUSTICE MANOJIT BHUYAN

Heard Mr. S Chamaria, learned counsel for the petitioner. Also heard Ms. E Bharali, learned counsel representing the GMDA.

The petitioner's challenge is to the order dated 6.4.2015 passed under the hand of the Chief Executive Officer, GMDA. By the said order, the petitioner has been directed to demolish the Assam Type Godown which had been constructed in violation of the GMDA Act, 1985, Zoning Regulations made thereunder. It is the case of the petitioner that he had made application for building permission on 15.5.2013 but the said permission was not granted in view of the fact that according to GMDA, the area concerned is located at eco sensitive zone, which matter needs to be decided by the Special Committee constituted by the Govt. of Assam. It appears that on 7.2.2015 notice was issued under Section 87 of the GMDA Act in view of the fact that the petitioner had carried out development of building and land without requisite approval of the authority concerned. The petitioner had replied to the said notice and well before the Special Committee decided upon the issue whether the land of the petitioner falls within the eco sensitive zone or not, the impugned order dated 6.4.2015 was issued.

In view of the above, let notice be issued making it returnable by four weeks. No formal notice need be issued to the respondents as they have already entered appearance through Ms. Bharali.

Extra copies of the writ petition along with the annexures appended thereto be furnished to the learned counsel for the respondents within two days.

Having heard the learned counsel appearing for the petitioner, it is directed that the issue before the Special Committee with regard to the land of the petitioner be decided at the earliest, preferably within a period of 3 (three) weeks from today. It is also made clear that no interference is made in respect of the impugned order dated 6.4.2015 passed under the hand of the Chief Executive Officer, GMDA.

List the matter after four weeks.