

GAHC010016562024



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

Case No. : WP(C)/592/2024

HABIL UDDIN KHAN
S/O- LATE AKBAR KHAN, R/O- VILL- RAKHYASINI GAROPARA PT-1, P.O.
RAKHYASINI, P.S. MORNUI, GOALPARA, ASSAM, PIN- 783101.

VERSUS

THE DISTRICT COMMISSIONER, GOALPARA AND 3 ORS
ASSAM

2:THE ADDITIONAL DISTRICT COMMISSIONER
GOALPARA
ASSAM

3:GOALPARA ZILA PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
GOALPARA
ASSAM
PIN- 783121.

4:THE CHIEF EXECUTIVE OFFICER
GOALPARA ZILLA PARISHAD
GOALPARA
ASSAM
PIN- 783121.

5:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI ASSAM PIN-78100

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 28.02.2024

Heard Mr. S. Dey, learned counsel for the petitioner; Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 1 & 2; and Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development [P&RD] Department for the respondent nos. 3, 4 & 5.

2. It is the case of the petitioner that an agreement was executed between the petitioner and the Chief Executive Officer, Goalpara Zilla Parishad on 10.10.2023 for letting out one room, Room no. 1 and the 1st Floor of the Market Complex, situate at Bapuji Nagar, Baladmari, which belongs to the Goalpara Zilla Parishad, @ Rs. 5,000/- per month w.e.f. 01.01.2024. The petitioner has stated that he had also paid an amount of Rs. 5,00,000/- as security money. When the petitioner is in the process of starting commercial activities from the said premises, the respondent no. 2 all on a sudden, coming with a team, locked the gate of the said tenanted premises on 19.01.2024. It is the further case of the petitioner that no prior notice was served upon the petitioner indicating the reason as to why there was any necessity to lock the tenanted premises. Hence, the writ petition.

3. Issue notice, returnable on 27.03.2024.

4. As Mr. Goswami has appeared and accepted notices on behalf of the respondent nos. 1 & 2 and Mr. Dutta has appeared and accepted notices on behalf of the respondent nos. 3, 4 & 5, no formal notices need to be issued in respect of the said respondents.

5. The learned counsel for the respondents shall obtain instructions as regards the reason as to why the tenanted premise has been kept under lock since 19.01.2024, invariably on the

next date of listing.

JUDGE

Comparing Assistant