

GAHC010019972022



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

Case No. : WP(C)/965/2022

ANIL KUMAR GUPTA
S/O. LT. MEWALAL GUPTA, R/O. HOUSE NO.01, AMSING, JORABAT, P.O.
AND P.S. SATGAON, DIST. KAMRUP (M), ASSAM, PIN-781027.

VERSUS

THE UNION OF INDIA AND 7 ORS
REP. BY THE SECRETARY TO THE MINISTRY OF DEFENCE, GOVT. OF
INDIA, NEW DELHI-01.

2:THE STATE OF ASSAM

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE DEPTT.
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER

KAMRUP (M)
ASSAM
PIN-781001.

4:THE CIRCLE OFFICER

SONAPUR REVENUE CIRCLE
DIST. KAMRUP (M)
ASSAM
PIN-782402.

5:THE SUPDT. OF POLICE

KAMRUP (M)
ASSAM

PIN-781001.

6:COL. OFFG STATION COMMANDER

14 FIELD AMMUNITION DEPOT
NARENGI
GUWAHATI
PIN-781027.

7:JISHA CHAHAR
LIEUTENANT
SECURITY OFFICER FOR COMMANDANT
14 FIELD AMMUNITION DEPOT
NARENGI
GUWAHATI
PIN-781027.

8:SECRETARY

AMSING GAON PANCHAYAT
AMSING JORABAT
P.O. SATGAON
P.S. SATGAON
DIST. KAMRUP (M)
PIN-781027

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 16.02.2022

Heard Mr. A.R. Sikdar, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned CGC appearing for the respondent nso.1, 6 and 7, Ms. P. Mahanta, learned standing counsel for the respondent no.2 and Mr. B. Deori, learned Govt. Advocate appearing for the respondent nos.3, 4, 5 and 8.

Aggrieved by the notice dated 13.01.2022 issued by the Offg Station

Commander, Narengi to stop further construction and to remove the structures, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

The learned counsel for the petitioner submits that there are hundreds of buildings in the vicinity of the army camp, Satgaon, but only the construction of the petitioner has been targeted. It is also submitted that as a coercive measure, the army authorities have also lodged an FIR.

Issue notice returnable on 16.03.2022.

Requisite extra copies of the writ petition be furnished to the learned CGC in course of the day.

Having heard the learned counsel for the petitioner and the learned CGC, State and departmental counsel, the Court is inclined to direct both sides i.e. the petitioner and the respondents to maintain *status quo* in respect of the construction pursuant to which notice dated 13.01.2022 is issued.

The petitioner has also prayed for staying of the FIR, which is registered as Satgaon P.S. Case No.338/2021.

The Court is disinclined to entertain the said prayer.

Hence, the petitioner is at liberty to take appropriate legal steps as he may be so advised to agitate his grievance against the said FIR.

List on 16.03.2022.

JUDGE

Comparing Assistant