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

Case No. : WP(C)/765/2026

BEGUM FARIDA NASHIMA
WIFE OF DR. AZIBAR RAHMAN, RESIDENT OF HOUSE NO. 26, SUNDAR
PATH, NOTBOMA, P.O. AND P.S.- HATIGAON, DIST- KAMRUP M, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HOUSING AND URBAN
AFFAIRS, DISPUR, GHY-06

2:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
G.M.C.H. ROAD
BHANGAGARH
GUWAHATI-781005 (TO BE REPRESENTED BY ITS CHAIRMAN)

3:THE CHIEF EXECUTIVE OFFICER
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
GMCH ROAD
BHANGAGARH
GUWAHATI-781005.

4:IMAMUL ISLAM
SON OF LATE DHANO SHEIKH
RESIDENT OF HOUSE NO. 2
BY LANE NO. 1
HAJI MUSAFIR KHANA ROAD
P.O.- ULUBARI
P.S.- PALTANBAZAR
DIST- KAMRUP (M)
ASSAM-78100

For the Petitioner(s) : Mr. A. R. Bhuyan, Advocate

For the Respondent(s) : Mr. S. Borah, SC, GMDA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

11.02.2026

Issue notice making it returnable on 23.02.2026.

2. Mr. S. Borah, the learned counsel accepts notice on behalf of the respondent Nos.1, 2 & 3. Extra copies of the writ petition be served upon him by tomorrow, i.e. 12.02.2026.
3. As regards the respondent No.4, the petitioner is directed to effect service by way of dasti routed through the Registry of this Court and file an affidavit of service on or before the next date.
4. It is the case of the petitioner that the petitioner is a tenant of the respondent No.4 and has started a business in the name and style of M/S Anand Superspeciality and Diagnostic Centre in a building standing over a plot of land which is covered by Dag No.683, Patta No.555 and Holding No.11497520 of Notboma Revenue Circle village in the district of Kamrup (Metro).
5. Mr. S. Borah, the learned counsel appearing on behalf of the respondents has submitted that a building planning permission was granted to the respondent No.4 for construction of

residential use only. Be that as it may, the respondent No.4 has not only violated the planning permit by giving the rent to the petitioner for carrying out a business, but has also violated the various norms as it appears from the show cause notice issued to the respondent No.4.

6. Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the petitioner submitted that the petitioner would be prejudiced, if certain interim directions are not passed taking into account that the petitioner had invested a huge amount of money on an assurance given by the respondent No.4 that he can start a business.

7. It is the opinion of this Court that if there is a violation being committed to the provisions of the Guwahati Metropolitan Development Authority Act, 1985 as well as its building by-laws and the building is now being used for a purpose for which the permission was not granted, unless and until such conversion is permitted by the authorities, the carrying out of the business from the said building which is only permitted for residential use, cannot be allowed.

8. Under such circumstances, this Court is not inclined to pass any interim direction at this stage. However, the respondents herein are directed to produce the instructions on the next date,

i.e. 23.02.2026.

9. Based upon the said instructions, this Court shall further consider what necessary orders can be passed.

10. List accordingly.

JUDGE

Comparing Assistant