

GAHC010060882022



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

Case No. : WP(C)/2210/2022

PRADIP MEDHI
S/O- LATE PRABHAT CH. MEDHI,
R/O- GMC HOUSE NO. 11, 2ND FLOOR,
K.C CHOUDHARY ROAD, 2ND BYE LANE, CHATTRIBARI, GUWAHATI-08,
DIST- KAMRUP (M)

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
GUWAHATI DEVELOPMENT, DEPARTMENT, ASSAM SECRETARIAT (C),
DISPUR, GUWAHATI-06, DIST-KAMRUP(M), ASSAM

2:THE GAUHATI MUNICIPAL CORPORATION
PAN BAZAR
GUWAHATI-1
DIST-KAMRUP(M)
ASSAM

3:THE COMMISSIONER
THE GAUHATI MUNICIPAL CORPORATION
PAN BAZAR
GUWAHATI-1
DIST-KAMRUP(M)
ASSAM

4:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
STATFED BUILDING
BHANGAGARH
GUWAHATI-5
DIST-KAMRUP(M)
ASSAM

5:THE CHIEF EXECUTIVE OFFICER
THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
STATEFED BUILDING
BHANGAGARH
GMCH ROAD
GUWAHATI-05

6:PRANAB KUMAR MEDHI
S/O- LATE PRABHAT CH. MEDHI

R/O- GMC HOUSE NO. 11
1ST FLOOR

K.C CHOUDHARY ROAD
2ND BYE LANE
CHATRIBARI
GUWAHATI-08

DIST- KAMRUP (M)
ASSAM

7:PRATIMA BORA
W/O- LATE KRISHNA SANKAR BORA
R/O- GMC HOUSE NO. 11
GROUND FLOOR

K.C CHOUDHARY ROAD
2ND BYE LANE
CHATRIBARI
GUWAHATI-08

DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. D P MANDAL

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 30.03.2022

Heard Mr. D.P. Mandal, learned counsel for the petitioner and Mr. S. Bora, learned Standing Counsel, GDD, GMC & GMDA for the respondent nos. 1 – 5.

The petitioner has approached this Court aggrieved by the construction activities that are being carried out by the respondent no. 7. The petitioner has claimed that such construction activities are being carried out by the respondent no. 7 without obtaining a No Objection Certificate [NOC] from the respondent GMC and GMDA authorities.

Mr. Bora, learned Standing Counsel, GDD, GMC & GMDA has submitted that the respondent nos. 2 & 3 has already served a notice dated 29.03.2022 upon the respondent no. 7 asking her to produce the No Objection Certificate [NOC] and approved drawing in respect of the construction undertaken by her within 3 [three] days from the date of receipt of the notice. It is submitted by Mr. Bora that after receipt of reply from the respondent no. 7 in response to the said notice dated 29.03.2022, appropriate action in accordance with the provisions of the GMC Act/GMDA Act would be taken.

Issue notice of motion, returnable in 4 [four] weeks.

As Mr. Bora, learned Standing Counsel, GDD, GMC & GMDA has appeared and accepted notice on behalf of the respondent nos. 1 - 5, no formal notice need to be issued to the said respondents. Mr. Mandal, learned counsel for the petitioner shall furnish requisite no. of extra copies of the writ petition to Mr. Bora within 3 [three] working days from today.

The petitioner shall take steps for service of notice upon the respondent

nos. 6 & 7 by registered post with A/D within 3 [three] working days from today. Additionally, the petitioner is allowed to take steps through *dasti* which will be routed through the Registry.

List the case after 4 [four] weeks.

JUDGE

Comparing Assistant