

GAHC010063512023



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

Case No. : WP(C)/1659/2023

INDRAJIT NARAYAN DEV
SON OF LATE DWIJENDRA NARAYAN DEV,
RESIDENT OF 92, RANIBAGAN, BELTOLA TINIALI,
GUWAHATI- 781028, P.S.- BASISTHA,
DISTRICT- KAMRUP(METRO), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED THROUGH THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
SACHIVALAYA, DISPUR,
GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF HOUSING AND URBAN AFFAIRS
DISPUR
GUWAHATI.

3:THE DEPUTY COMMISSIONER AND CHAIRMAN
DISTRICT DISASTER MANAGEMENT AUTHORITY
KAMRUP(METRO)
GUWAHATI- 781006.

4:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
STATEFED BUILDING
BHANGAGARH

GUWAHATI- 781005.

5:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
GUWAHATI- 781028
KAMRUP(M)

Advocate for the Petitioner : MR. P C GOSWAMI

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

21.03.2023

Heard Shri BD Goswami, learned counsel for the petitioner.

The petitioner claims to be a partner of one Dev Shakti Ventures, who has been served with a notice dated 15.03.2023 issued by the Commissioner, Guwahati Municipal Corporation, Bhangagarh, Guwahati directing to remove the boundary wall and not to construct anything within a distance of 6 meters from the edge of the Bahini River.

Shri Goswami, learned counsel for the petitioner submits that the boundary wall is on the patta land of the petitioner and is existing since last about 50 years. He further submits that for the desiltation purpose, the petitioner is affording free ingress and egress to the vehicles of the GMC for clearing the Bahini River and the portion of the boundary wall which was required for such desiltation has been allowed to be dismantled. The learned counsel for the petitioner submits that for the said purpose, there is no requirement for demolition of the entire boundary wall which is a huge one.

Since this matter has been moved today i.e., 21.03.2023 by taking special permission, Shri P Nayak, learned Standing Counsel, GMC prays for some time to obtain instructions.

In the interest of justice, let this matter be listed for motion on 24.03.2023 to enable Shri Nayak, learned Standing Counsel to obtain instructions.

Ms. G Hazarika, learned Standing Counsel, Revenue Department and Shri CKS Baruah, learned State Counsel, Assam, who are present, shall also obtain instructions in this regard.

Let extra copies of the petition along with its annexures be served upon the learned counsel for the respondents by tomorrow i.e., 22.03.2023.

Till the next date fixed, it is directed that the boundary wall, in question, may not be demolished.

It is, however, also made clear that the petitioner should not make any constructions within a distance of 6 metres from the edge of the Bahini River.

The aforesaid interim order being passed without proper instructions from the GMC, the same would be re-considered after receipt of instructions on the next fixed.

JUDGE

Comparing Assistant