

GAHC010065192022



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

Case No. : WP(C)/2373/2022

PRASENJIT KAKATI AND ANR.

S/O- LT. LALIT NATH KAKATI, PRESENTLY RESIDING FLAT NO. 401 TOWER 2, SAGAVI APARTMENTS, PLOT 85, SECTOR 55, SHUSHANT LOK 2, GURUGRAM, HARAYANA- 122011, INDIA AND PERMANENT RESIDENT OF HOUSE NO. 196, DISPUR, GUWAHATI- 781006, DIST.- KAMRUP(M), ASSAM.

2: DR. SUMATI CHANGKAKATI

PRESENTLY RESIDING FLAT NO. 401 TOWER 2

SAGAVI APARTMENTS

PLOT 85

SECTOR 55

SHUSHANT LOK 2

GURUGRAM

HARAYANA- 122011

INDIA AND PERMANENT RESIDENT OF HOUSE NO. 196

DISPUR

GUWAHATI- 781006

DIST.- KAMRUP(M)

ASSAM

VERSUS

THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY AND 5
ORS.

REP. BY ITS CHAIRMAN, 3RD FLOOR, STATEFED BUILDING GMCH ROAD,
BHANGAGARH GUWAHATI- 781005.

2:THE CHIEF EXECUTIVE OFFICER

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY

3RD FLOOR

STATEFED BUILDING GMCH ROAD

BHANGAGARH GUWAHATI- 781005.

3:THE STATE OF ASSAM

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME (A) DEPTT.
DISPUR
GHY.-781006.

4:THE OFFICER-IN-CHARGE
DISPUR POLICE STATION
GUWAHATI- 781006
ASSAM.

5:M/S NORTH EAST SUPER SPECIALITY HOSPITAL PVT. LTD.
A COMPANY INCORPORATED UNDER THE PROVISIONS OF COMPANIES
ACT
1956
HAVING ITS REGISTERED OFFICE AT HOUSE NO. 56
SAPTA SAHID PATH
SARUMOTORIA
P.O. AND P.S. DISPUR
GUWAHATI- 781006
DIST. KAMRUP(M)
ASSAM
REP. BY ITS DIRECTOR
SRI RAJESH KUMAR JALAN
S/O- LATE L.N. JALAN
R/O- HOUSE NO.- 17
GAYATRI KUNJ
CHITRALEKHA LAND
USHA NAGAR
DISPUR
GUWAHATI- 781006
DIST.- KAMRUP(M)
ASSAM.

6:RAJESH KUMAR JALAN
S/O- LATE L.N. JALAN
R/O- HOUSE NO.- 17
GAYATRI KUNJ
CHITRALEKHA LAND
USHA NAGAR
DISPUR
GUWAHATI- 781006
DIST.- KAMRUP(M)
ASSAM
DIRECTOR OF M/S NORTH EAST SUPER SPECIALITY HOSPITAL PVT. LTD

Advocate for the Petitioner : MS D BORGOHAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : --06.04.2022

Heard Ms. D. Borgohain, learned counsel for the petitioner and Mr. S. Bora, learned counsel appearing on behalf of the respondent Nos. 1 and 2. Also heard Mr. C.S. Hazarika, learned counsel appearing on behalf of the respondent Nos. 3 and 4 and Mr. S. Banik, learned counsel appearing on behalf of the respondent Nos. 5 and 6.

In terms with the directions dated 01.04.2022, Mr. C.S. Hazarika has placed on record an instruction being given to him by the Officer-in-Charge, Dispur Police Station wherein, it has been mentioned that at present there is no construction activity being carried out in the disputed plot of land. A copy of the instruction so furnished is kept on record and marked with the letter X.

As regards the instructions sought for what the respondent Nos. 1 and 2 have done pursuant to the liberty so granted by this Court vide its order dated 21.12.2021 in WP(C) No. 5739/2021, the learned counsel for the respondent Nos. 1 and 2 submits that the Chief Executive Officer of the GMDA had issued notice to both the parties, but both the parties have not responded as to from wherein the parties have obtained the NOC in respect to the building in question i.e. the G+3 and as such, it has become difficult on the part of the respondent authorities to take any further action on the matter.

The GMC Act, 1971 as well as The GMDA Act, 1985 provides the

necessary inputs as how to deal with such situation. It is hoped and expected that the respondent Nos. 1 and 2 shall discharge the statutory duties as stipulated in the said provisions.

Let the matter be listed on 10.05.2022.

JUDGE

Comparing Assistant