

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 SOUMITRA SAIKIA**

ORDER

17.06.2022

Mr. G. Rahul, learned counsel for the respondent nos. 5 and 6 prays for 3(three) weeks time to file affidavit. Mr. S. Bora, learned standing counsel for the GMDA also makes a similar prayer.

Ms. D. Borgohain, learned counsel for the petitioners submits that in view of the inquiry report given by the GMDA Department that the material alterations have been made unauthorisedly, in the building in question appropriate orders be issued by this Court directing demolition of the building by the GMDA.

Upon consideration of the submissions made by the learned counsels for the parties and also in view of the finding of this Court as recorded in the order dated 21.12.2021 passed in WP(C) 5739/2021 against which, admittedly, there is no appeal or review, we direct the GMDA Department to ensure that there is no alteration in the interiors of the structure of the building in question without leave of the Court within the G+3 stories RCC building which exists on the land measuring 1 Bigha, 2 Katha, 2.3 Lechas bearing Dag No.218(O)/ 393(N), in K.P. Patta No.35/ 196/ 391(O)/285 (N) and Dag No.394(N) and Patta No.515 (N) of Revenue village-Dispur, under Mouza- Beltola, Guwahati, in the district of Kamrup (M).

Mr. C.K.S. Baruah, learned Govt. Advocate appears for the respondent

nos.3 and 4.

The petitioners will be at liberty to bring to the notice of this Court any violation that may be noticed in terms of the directions contained in this order.

List the matter after 3(three) weeks.

JUDGE

Comparing Assistant