

GAHC010072032020



2026:GAU-AS:2747

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

Case No. : WP(C)/2169/2020

MRIDUL GOGOI

S/O- LT. KIRTI NATH GOGOI, R/O- NA ALI, OLD WATER TANK, NEAR LIONS CLUB, MUNICIPAL HOLDING NO. 6, WARD NO. 10, JORHAT TOWN, IN THE DIST. OF JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, MUNICIPAL ADMINISTRATION DEPTT., DISPUR, GHY-06

2:THE DY. COMMISSIONER

JORHAT

ASSAM

PIN- 785001

3:THE JORHAT MUNICIPAL BOARD

JORHAT

REP. BY THE ADDL. DY. COMMISSIONER CUM EXECUTIVE OFFICER

JORHAT

ASSAM

PIN- 78500

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

For the Respondent(s) : Mr. B. J. Talukdar, Sr. Advocate
Mr. P. K. Medhi, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

23.02.2026

Heard Mr. A. Dhar, the learned counsel appearing on behalf of the petitioner. Mr. B. J. Talukdar, the learned Senior Counsel assisted by Mr. P. K. Medhi, the learned counsel appears on behalf of respondent Nos. 1, 2 & 3.

2. The petitioner herein is aggrieved by the notice dated 29.04.2020 issued by the Additional Deputy Commissioner, Jorhat-cum-Executive Officer, Jorhat Municipal Board directing the petitioner to vacate the residential house on the ground that the said house was allowed to be used to the petitioner's father when he was an employee of the Jorhat Municipal Board.

3. The case of the petitioner herein is that the land in question is not a land belonging to the Jorhat Municipal Board, rather it is a Government land wherein the father of the petitioner had constructed the residential house. There is no record of rights of the land placed before this Court. It is also very pertinent to take note that whether the house which was constructed over the land in question belongs to the petitioner's father or to the Jorhat Municipal Board are questions of facts which need

adjudication before the Court of a competent jurisdiction.

4. Considering the above, this Court therefore is not inclined to entertain the instant petition under Article 226 of the Constitution for which the instant writ petition stands dismissed.

5. Be that as it may, this Court observes that the non-entertaining of the instant petition shall not preclude the petitioner to assail the impugned notice or seek appropriate declarations in respect to the house wherein the petitioner is residing.

6. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant