

GAHC010108962019



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

Case No. : WP(C) 3227/2019

1:MIRA DEY CHOUDHURY
W/O- LT SADHAN RANJAN DEY CHOUDHURY, R/O- H.NO. 5, BY-LANE
NO.1, RAMKRISHNA SARANI, NATIONAL HIGHWAY, SILCHAR- 788012

VERSUS

1:THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT.OF ASSAM, URBAN
DEVELOPMENT DEPTT., DISPUR, GHY-6

2:THE DIRECTOR
TOWN AND COUNTRY PLANNING
DISPUR
GHY-6

3:THE DY. DIRECTOR
TOWN AND COUNTRY PLANNING
DISTRICT OFFICE
SILCHAR
P.O. SILCHAR
DIST- CACHAR
ASSAM

4:THE DY. COMMISSIONER
CACHAR
SILCHAR

5:THE CHAIRMAN
SILCHAR MUNICIPAL BOARD
P.O. SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

6:RAJIB DUTTA

S/O- LT SATYA RANJAN DUTTA
R/O- BY-LANE NO 1
RAMKRISHNA SARANI
NATIONAL HIGHWAY
SILCHAR- 788012

7:BANNISIKHA DEB ROY
W/O- RAJIB DUTTA
R/O- BY-LANE NO 1
RAMKRISHNA SARANI
NATIONAL HIGHWAY
SILCHAR- 78801

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE UJJAL BHUYAN

ORDER

Date : 20-05-2019

Heard Mr. SP Choudhury, learned counsel for the petitioner.

Issue notice, returnable 6 weeks.

Mrs. RB Bora, learned Government Advocate, Assam accepts notice on behalf of respondent Nos.1 to 4. Extra copies within 3 days.

Notice to respondent Nos.5, 6 and 7 by registered post with A/D. Steps within 3 days.

Mr. Choudhury, learned counsel for the petitioner submits that petitioner's complaint against construction carried out by respondent No.6 was summarily rejected by the Chairman, Silchar Municipal Board on 27.03.2019 without considering the same. He further submits that field report dated 08.08.2018, which formed the basis of rejection of petitioner's complaint was prepared behind the back of the petitioner. Copy of such report was also not furnished to the petitioner.

After hearing learned counsel for the parties and on due consideration, it is hereby directed, as an interim measure, that *status quo*, as on today, as regards construction carried

out by respondent Nos.6 and 7 shall be maintained.

List on 31.07.2019.

Biplab

JUDGE

Comparing Assistant