

GAHC010112852026



undefined

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

**Case No. : WP(C)/2959/2026**

SMT JAYA MAHANTA  
WIFE OF SRI GAUTAM MAHANTA, RESIDENT OF HOUSE NO. 20, RAJGARH  
ROAD, BYE LANE NO. 1, CHANDMARI, SILPUKHURI, GUWAHATI-781003,  
DISTRICT KAMRUP METROPOLITAN, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE  
GOVERNMENT OF ASSAM, GUWAHATI DEVELOPMENT DEPARTMENT,  
DISPUR, GUWAHATI-781006, ASSAM

2:THE GUWAHATI MUNICIPAL CORPORATION  
REPRESENTED BY ITS COMMISSIONER AND HAVING ITS OFFICE AT  
GANESH MANDIR  
DISPUR  
GUWAHATI-781006  
KAMRUP M  
ASSAM

3:THE COMMISSIONER  
GUWAHATI MUNICIPAL CORPORATION  
GANESH MANDIR  
DISPUR  
GUWAHATI- 781006  
KAMRUP (M)  
ASSAM.

4:THE DEPUTY COMMISSIONER  
DISPUR ZONE  
GUWAHATI MUNICIPAL CORPORATION  
DISPUR

GUWAHATI781006  
KAMRUP (M)  
ASSAM.

5:THE ASSOCIATE PLANNER  
PLANNING BRANCH  
GUWAHATI MUNICIPAL CORPORATION  
UZANBAZAR  
GUWAHATI-781001  
DISTRICT- KAMRUP (M)  
ASSAM.

6:THE ENFORCEMENT OFFICIAL  
GUWAHATI MUNICIPAL CORPORATION  
DISPUR ZONE  
GUWAHATI-781006  
DISTRICT- KAMRUP (M)  
ASSAM.

7:BLINK COMMERCE PVT LTD  
REPRESENTED BY ITS MANAGING DIRECTOR  
AND HAVING ITS OFFICE AT GROUND FLOOR  
PIONEER SQUARE  
SECTOR 62  
GOLF COURSE EXTENSION ROAD  
GURUGRAM-122098  
HARYANA

**Advocate for the Petitioner** : MR. K P PATHAK, MS. SANSKRITI BARUA,MR. C PAUL,MR  
BHARGAV DAS

**Advocate for the Respondent** : SC, GDD, SC, GMC

**BEFORE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 04.06.2026**

Heard Mr. K. P. Pathak, learned counsel, appearing for the petitioner. Also heard Mr. S. Bora, learned Standing Counsel, Guwahati Municipal Corporation (GMC).

- 2.** Issue notice, returnable on 15.06.2026.
- 3.** Mr. S. Bora, learned Standing Counsel, GMC, accepts notice on behalf of the Respondent Nos.1, 2, 3, 4, 5 and 6. As the said respondents are represented, no formal notice is required to be issued. However, requisite extra copies of the writ petition be furnished to the learned counsel for the said respondents by the learned counsel for the petitioner.
- 4.** As prayed for by Mr. K. P. Pathak, learned counsel, appearing for the petitioner, notice upon the Proforma Respondent No.7 is permitted to be served through the authorized person of the Company stationed at Guwahati.
- 5.** The petitioner in the present writ petition has assailed a notice dated 03.06.2026, issued by the Enforcement Official, Guwahati Municipal Corporation (GMC), towards sealing the premises of the petitioner, which

was, leased out to the Proforma Respondent No.7 Company, with immediate effect i.e., w.e.f., 03.06.2026. The petitioner vide a lease dated 07.06.2025 had leased out her premises to the Proforma Respondent No.7 for setting up of its establishment, therein. The materials brought on record in the writ petition reveals that a trade license was taken out by the Proforma Respondent No.7 for operating its business in the premises leased out to it by the petitioner, herein. The said premises is also found to have been assessed for property tax as a commercial property. The property tax bills brought on record also reveal that the petitioner has been continuously paying the property tax by construing the premises, in question, to be a commercial property. Basing on a complaint raised by the neighbours of the said premises, the respondent GMC had vide communication dated 20.01.2026, required the petitioner to furnish documents pertaining to the premises, in question. It is contended that the petitioner had furnished all such documents. The petitioner has further brought on record, the extension of the trade license granted to the Proforma Respondent No.7, for operating its business in the said premises which is now valid till 31.03.2027.

**6.** It is in the above background that the Enforcement Official basing on the complaints raised by the neighbours of the area had issued the said notice dated 03.06.2026, towards sealing the premises, in question. It is submitted by the learned counsel for the petitioner that the premises has

since been sealed and it is presently locked by the GMC Officials. The learned counsel for the petitioner further submits that the provisions of Sub Section (3) of Section 404 of the Guwahati Municipal Corporation Act 1969, as amended has not been complied with prior to the sealing of the property of the petitioner.

**7.** Mr. S. Bora, learned Standing Counsel, Guwahati Municipal Corporation (GMC), on instruction has submitted that the premises is presently situated in a building which is denoted in the Master Plan as a Residential building. Accordingly, he submits that commercial activity, therein, is not permissible. Mr. Bora, however submits that a notice requisite in the matter is not found to have been issued to the petitioner, prior to sealing of her property on 03.06.2026. However, he submits that he would receive further instruction in the matter and file an affidavit on behalf of the GMC authorities on or before 11.06.2026.

**8.** Considering the grievance raised in the present writ petition and also appreciating the contention raised by the learned counsel for the petitioner, that the sealing of the premises was so done without complying with the provisions of Sub Section (3) of Section 404 of the Guwahati Municipal Corporation Act 1969, this Court directs that the said property be de-sealed and permitted to be operated by the Proforma Respondent No.7 as before till the next returnable date. However, it is directed that the

petitioner shall ensure that the Proforma Respondent No.7, operates its business from the premises concerned without causing any disturbance to any person in the vicinity of the said premises.

**9.** The GMC authorities shall monitor the said aspect of the matter.

**10.** Registry to list this matter again on **15.06.2026**.

**11.** Mr. S. Bora, learned Standing Counsel, Guwahati Municipal Corporation (GMC), is requested to communicate the present order to the GMC authorities for immediate compliance.

**JUDGE**

**Comparing Assistant**