

I.A. 136/2015
BEFORE
HON'BLE MR JUSTICE M.R. PATHAK

Heard Mr. S. Chamaria, learned counsel appearing for the applicant petitioner. Also heard Ms. M. Hazarika, learned Senior counsel assisted by Ms. E. Bhargali, learned counsel appearing for the respondent Nos. 1 to 3, G.M.D.A.

The petitioner herein applied for permission for construction of building before the G.M.D.A. on 15.05.2013 and the authorities of G.M.D.A. by its communication dated 26.06.2013 informed the petitioner that his land is located in the Eco Sensitive Zone and for that purpose, his permission to construct the building is required to be placed before the Special Committee constituted by the Government for its final decision. For that purpose, the G.M.D.A. by the said letter dated 26.06.2013 directed the petitioner to submit Still and Video photographs showing the condition of the plot, nearby development, approach road, natural drain/hill if any in the vicinity of the location. As the petitioner did not furnish any such materials as sought for and already constructed the house in question, the authorities of G.M.D.A. on 07.02.2015 issued a Show Cause Notice under Section 87 of the GMDA Act to stop his construction and to show cause within five (5) days of receiving the said Notice dated 07.02.2015. Though the petitioner submitted his reply on 12.02.2015, the G.M.D.A. rejected his reply and issued an order on 06.04.2015 for demolition of his unauthorised construction already carried out on his land, without obtaining requisite permission from G.M.D.A. since the said land in question is within the Eco- Sensitive Zone. Hence this petition is against such demolition.

The learned counsel appearing for the petitioner has submitted that as per the aforesaid communication dated 26.06.2013, the petitioner furnished all the requisite materials, such as, Still & Video photographs showing the condition of the plot, nearby development, approach road, natural drain/hill if any in the vicinity of the location etc. for taking necessary decision by the G.M.D.A., with regard to his application for permission to construction his house in question; but, till date, he did not receive any information about the outcome of his said application. However, the petitioner did not mention when he submitted the requisite information as sought for by the GMDA in its letter dated 26.06.2013.

Today, Ms. M. Hazarika, learned Senior Counsel on behalf of the G.M.D.A. has submitted that the petitioner did not furnish any such requisite information as sought for by the G.M.D.A. on 26.06.2013 and in view of the same, the Special Committee could not take any decision till date.

Considering the same, the petitioner is directed to furnish all the relevant materials before the Town Planner, G.M.D.A. on or before 19.05.2015 in terms of the communication dated 26.06.2013 earlier issued by the G.M.D.A., failing which, the G.M.D.A. shall take necessary steps in terms of their order No. GMDA/GEN/100/2014/Gr-A/Part/90 dated 06.04.2015. In the event of submission of all the required information and the materials sought for by the Town Planner, G.M.D.A. vide communication dated 26.06.2013, Special Committee shall take decision on or before 05.06.2015.

List the matter again on 08.06.2015 for further consideration.