

GAHC010117162026



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

Case No. : WP(C)/3126/2026

MRIDUL DUTTA
S/O- MINESWAR DUTTA, RESIDENT OF WARD NO. 1, SONARI TOWN, P.S.
SONARI, DIST. CHARAIDEO, ASSAM, PIN- 785690.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM, TOWN AND
COUNTRY PLANNING DEPARTMENT, DISPUR, GHY- 781006.

2:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GHY- 781006.

3:THE CHAIRMAN
SONARI MUNICIPAL BOARD
WARD NO 3
SONARI TOWN
P.O. AND P.S. SONARI
DIST- CHARAIDEO
ASSAM
PIN- 785690.

4:THE EXECUTIVE OFFICER
SONARI MUNICIPAL BOARD
WARD NO 3
SONARI TOWN
P.O. AND P.S. SONARI
DIST- CHARAIDEO
ASSAM
PIN- 785690

Advocate for the Petitioner : MR. B BARUAH, I L NGAMLAI

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 15.06.2026

Heard Mr. B. Borah, learned counsel for the petitioner and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 1 & 2.

2. The petitioner has stated that he is the land owner of two plots of land, measuring 1 Katha 7 Lessas, in Dag no. 607 and 3 Lessas in Dag no. 608 under Periodic Patta no. 126 [New] at Sonari Town at Village – Sonari, Mouza – Abhaypur, District – Charaideo [‘the subject-plot’, for short], wherein he constructed a two-storied RCC building. The petitioner has stated that the respondent no. 3 from the year 2023 onwards have been issuing a number of notices, in a mala fide manner, directing the demolition of the said two-storied RCC building without compliance of the principles of natural justice.

3. Recently, the respondent no. 3 has issued a Notice dated 22.05.2026, impugned in the present petition, whereby the petitioner has been asked to demolish the said two-storied RCC building within a period of 30 days from 22.05.2026. The respondent no. 3 has alleged that the two-storied RCC building has been constructed on the subject-plot purportedly in violation of Section 177 of the Assam Municipal Act, 1956, as amended.

4. It is the contention of the petitioner that after construction of the two-storied RCC building, the respondent Sonari Municipal Board had duly assessed

the building for the purpose of tax collection in the year 1998 and after assessment, the petitioner has been duly paying all the municipal taxes and dues to the respondent Municipal Board from time to time and as such, the impugned notice is arbitrary and unauthorised.

5. The matter would require consideration.

6. Issue notice, returnable on 24.07.2026.

7. As Mr. Handique, learned Junior Government Advocate has appeared and accepted notice on behalf of the respondent nos. 1 & 2, issuance of formal notices to the said respondents are dispensed with. However, requisite nos. of extra copies of the writ petition along with annexures are to be furnished to Mr. Handique within 2 [two] working days from today.

8. The petitioner shall take steps for service of notice upon the respondent nos. 3 & 4 by speed post within 2 [two] working days from today.

9. Considering the fact that the two-storied RCC building constructed on the subject-plot was duly assessed for tax by the respondent Sonari Municipal Board in the year 1998 and on the said basis, the petitioner has been paying municipal dues regularly, it is ordered, in the interim, that the impugned Notice dated 22.05.2026 shall remain suspended till the returnable date.

JUDGE

Comparing Assistant