

GAHC010143382026



2026:GAU-AS:9930

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

Case No. : I.A.(Civil)/2309/2026

SRI DWARKA PRASAD AGARWAL
S/O MAHADEO LAL AGARWAL, RESIDENT OF WARD NO. 7, DAILY
MARKET ROAD, DHEKIAJULI, PIN NO. 784110. PRESENTLY RESIDING AT
2ND FLOOR, MAHAVIR MARKET, OPPOSITE HOTEL SIROY LILY,
SOLAPARA PATH, PALTAN BAZAR, GUWAHATI-08, ASSAM

VERSUS

SRI RAJESH AGARWAL AND ORS
S/O LATE MALCHAND AGARWAL, RESIDENT OF WARD NO. 7, DAILY
MARKET ROAD, DHEKIAJULI, PIN NO. 784110

2: STATE OF ASSAM
TO BE REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM
MUNICIPAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI - 06.

3: THE DEPUTY DIRECTOR
TEZPUR TOWN AND COUNTRY PLANNING
TEZPUR
DIST. SONITPUR
ASSAM.

4: DHEKIAJULI MUNICIPAL BOARD
DHEKIAJULI
ASSAM

For the Applicant(s) : Mr. R.K. Bhuyan, Senior Advocate
Mr. N. Bhuyan, Advocate

For the Respondent(s) : Mr. N. Das, Govt. Advocate
Mr. A. Ganguly, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 20.07.2026

This is an interlocutory application filed by the applicant/respondent No. 4 in the accompanying writ petition, seeking vacation or modification of the order dated 20.09.2021 passed in WP(C) No. 4539/2021.

2. A perusal of the order dated 20.09.2021 shows that there was a direction till the returnable date that the respondent No. 4/applicant herein shall not carry out any further construction of the building without any valid legal written permission from the Dhekiajuli Municipal Board i.e. the respondent No. 3 in the accompanying writ petition.

3. This Court has duly heard Mr. R.K. Bhuyan, the learned Senior Counsel assisted by Mr. N. Bhuyan, the learned counsel for the applicant and Mr. A. Ganguly, the learned counsel appearing for the writ petitioner.

4. From the materials on record, it is seen that a provisional

permission was granted to the applicant on 06.04.2020 and it is the submission of Mr. R. Bhuyan, the learned Senior Counsel for the applicant that no permission other than the said provisional permission has been granted.

5. Accordingly, the applicant/respondent No. 4 in the accompanying writ petition shall be permitted to carry out construction only on the basis of the provisional permission dated 06.04.2020. No further construction other than what is permitted under the provisional permission dated 06.04.2020 shall be carried out by the applicant/ respondent No. 4 in the accompanying writ petition.

6. This Court further observes and directs that the pendency of the instant writ petition shall not bar the respondent No. 3 in the accompanying writ petition, i.e., the Dhekiajuli Municipal Board, from taking action if there is a transgression to the provisional permission dated 06.04.2020.

7. With the above observations and directions, the instant interlocutory application stands disposed of.

JUDGE

Comparing Assistant