

GAHC010046082023



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

Case No. : WP(C)/1212/2023

M/S DAYAL CONSTRUCTIONS AND ANR
HAVING OFFICE AT M/S DAYAL ENTERPRISES A T ROAD MAKUM ROAD
NEAR TOKRIGOLA P.O. P.S AND DIST. TINSUKIA ASSAM PIN 786125 REP
.BY THE PETITIONER NO. 2 SRI RAVI CHOUDHURY

2: RAVI CHOUDHURY
S/O RAJENDRA PRASAD CHOUDHURY R/O CHALIHA NAGAR NEAR TDA
OFFICE P.O P.S AND DIST. TINSUKIA ASSAM PIN 78612

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE SEC. TO THE GOVT. OF ASSAM TOWN AND COUNTRY
PLANNING DEPTT. DISPUR GUWAHATI ASSAM 781006

2:THE TINSUKIA MUNICIPAL BOARD
GNB ROAD TINSUKIA ASSAM 786125

3:THE CHAIRMAN
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

4:THE EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

5:THE TOWN PLANNER
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

6:THE DEPUTY COMMISSIONER
DIST. TINSUKIA ASSAM 786125

7:RANJU AGARWAL
W/O RAM PRAKASH AGARWAL (JINDAL) R/O CHIRWAPATTY ROAD NEAR
DEVI MANDIR P.O P.S AND DIST. TINSUKIA ASSAM 786125

8:RAM PRAKASH AGARWAL (JINDAL)
S/O LT. HANUMAN PRASAD AGARWAL (JINDAL) R/O CHIRWAPATTY
ROAD NEAR DEVI MANDIR P.O P.S AND DIST. TINSUKIA ASSAM 78612

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MR H AGARWAL,MR J SINGH

Advocate for the Respondent : GA, ASSAM, MR. S BORTHAKUR (R-2 TO 5),MR. S S ROY(R-2 TO 5),MR. BHASKAR DUTTA, SENIOR ADVOCATE (r-7,8),MR J DAS (r-7,8),MR. SAILENDRA DEKA (r-7,8)

Linked Case : I.A.(Civil)/154/2025

M/S DAYAL CONSTRUCTIONS AND 4 ORS
REP. BY SRI RAJENDRA PRASAD CHOUDHURY
HAVING OFFICE AT C/O. M/S DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

2: RAJENDRA PRASAD CHOUDHURY
S/O- LT. SATYANARAYAN CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

3: RAVI CHOUDHURY
S/O- LT. SATYANARAYAN CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.

P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

4: VISHAL CHOUDHURY
S/O- SRI RAJENDRA PRASAD CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

5: SHASHI CHOUDHURY
S/O- SRI RAJENDRA PRASAD CHOUDHURY
R/O- SHAKSHI MOTORS
CHIRWAPATTY ROAD
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
VERSUS

RANJU AGARWAL AND ORS
W/O- SRI RAM PRAKASH AGARWAL (JINDAL)
R/O- CHIRWAPATTY ROAD
NEAR DEVI MANDIR
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

2:RAM PRAKASH AGARWAL (JINDAL)
S/O- LATE HANUMAN PRASAD AGARWAL (JINDAL)
R/O- CHIRWAPATTY ROAD

NEAR DEVI MANDIR
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

3:THE STATE OF ASSAM
REP BY THE PP
ASSAM

4:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GHY-06

5:THE EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

6:SWAPNA GARODIA
W/O- SANJAY GARODIA
C/O GARODIA AUTO MOBILES
MORAN TOWN
P.O. AND P.S. MORAN
DIST.- SIVASAGAR
ASSAM
PIN- 785640

Advocate for : MR. B D KONWAR SR. ADV.
Advocate for : MR. B DUTTA appearing for RANJU AGARWAL AND ORS

Linked Case : I.A.(Civil)/2305/2024

RANJU AGARWAL AND ANR
W/O RAM PRAKASH AGARWAL (JINDAL) R/O CHIRWAPATTY ROAD NEAR
DEVI MANDIR P.O P.S AND DIST. TINSUKIA ASSAM 786125

2: RAM PRAKASH AGARWAL (JINDAL)
S/O LT. HANUMAN PRASAD AGARWAL (JINDAL) R/O CHIRWAPATTY ROAD
NEAR DEVI MANDIR P.O P.S AND DIST. TINSUKIA ASSAM 786125
VERSUS

M/S DAYAL CONSTRUCTIONS AND 7 ORS
HAVING OFFICE AT M/S DAYAL ENTERPRISES A T ROAD MAKUM ROAD
NEAR TOKRIGOLA P.O. P.S AND DIST. TINSUKIA ASSAM PIN 786125 REP .BY
THE PETITIONER NO. 2 SRI RAVI CHOUDHURY

2:RAVI CHOUDHURY
S/O RAJENDRA PRASAD CHOUDHURY R/O CHALIHA NAGAR NEAR TDA
OFFICE P.O P.S AND DIST. TINSUKIA ASSAM PIN 786125

3:THE STATE OF ASSAM
REP. BY THE SEC. TO THE GOVT. OF ASSAM TOWN AND COUNTRY
PLANNING DEPTT. DISPUR GUWAHATI ASSAM 781006

4:THE TINSUKIA MUNICIPAL BOARD
GNB ROAD TINSUKIA ASSAM 786125

5:THE CHAIRMAN
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

6:THE EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

7:THE TOWN PLANNER
TINSUKIA MUNICIPAL BOARD GNB ROAD TINSUKIA ASSAM 786125

8:THE DEPUTY COMMISSIONER
DIST. TINSUKIA ASSAM 786125

Advocate for : MR. SAIENDRA DEKA
Advocate for : MR. B D KONWAR SR. ADV. appearing for M/S DAYAL
CONSTRUCTIONS AND 7 ORS

Linked Case : WP(C)/392/2023

RANJU AGARWAL AND ANR.
W/O- SRI RAM PRAKASH AGARWAL (JINDAL)
R/O- CHIRWAPATTY ROAD
NEAR DEVI MANDIR
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

2: RAM PRAKASH AGARWAL (JINDAL)
S/O- LATE HANUMAN PRASAD AGARWAL (JINDAL)
R/O- CHIRWAPATTY ROAD

NEAR DEVI MANDIR
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125
VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM
TOWN AND COUNTRY PLANNING DEPTT.
DISPUR
GHY-06

2:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GHY-06

3:THE EXECUTIVE OFFICER
TINSUKIA MUNICIPAL BOARD
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

4:M/S DAYAL CONSTRUCTIONS
REP. BY SRI RAJENDRA PRASAD CHOUDHURY
HAVING OFFICE AT C/O. M/S DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

5:RAJENDRA PRASAD CHOUDHURY
S/O- LT. SATYANARAYAN CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.

P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

6:RAVI CHOUDHURY
S/O- LT. SATYANARAYAN CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

7:VISHAL CHOUDHURY
S/O- SRI RAJENDRA PRASAD CHOUDHURY
R/O- CHALIHA NAGAR
NEAR TINSUKIA DEVELOPMENT OFFICE
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125 AND ALSO HAVING THEIR OFFICE ADDRESS AT C/O. M/S
DAYAL ENTERPRISES
A.T.ROAD (MAKUM ROAD)
NEAR TOKRIGOLA
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM
PIN- 786125

8:SHASHI CHOUDHURY
S/O- SRI RAJENDRA PRASAD CHOUDHURY
R/O- SHAKSHI MOTORS
CHIRWAPATTY ROAD
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM

9:SWAPNA GARODIA
W/O- SANJAY GARODIA
C/O GARODIA AUTO MOBILES
MORAN TOWN

P.O. AND P.S. MORAN
DIST.- SIVASAGAR
ASSAM
PIN- 785640

Advocate for : MR. BHASKAR DUTTA
SENIOR ADVOCATE
Advocate for : SR. GA
ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08.05.2025

Mr. H. Agarwal, learned counsel appearing for Mr. B.D. Konwar, learned counsel for the petitioners in W.P.[C] no. 1212/2023 and for the respondent nos. 4-7 & 9 in W.P.[C] no. 392/2023 has made a prayer for adjournment of the case.

Mr. B. Dutta, learned Senior Government Advocate, Assam for the petitioners in W.P.[C] no. 392/2023 and for the respondent nos. 7 & 8 in W.P.[C] no. 1212/2023 is present.

Mr. S.S. Roy, learned counsel for the respondent Tinsukia Municipal Board is also in attendance.

As agreed to by the learned counsel for both the sides, list the cases on 16.05.2025.

JUDGE

Comparing Assistant