

GAHC010160942023



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

Case No. : WP(C)/4260/2023

DHING TOWN JAME MASJID AND EIDGAH COMMITTEE
AT DHING TOWN, WARD NO. 4, NAGAON, ASSAM.
REPRESENTED BY THE PRESIDENT ZAKIR HUSSAIN, AGED ABOUT 51
YEARS, SON OF LATE AIDUR RAHMAN, RESIDENT OF VILLAGE- SARU
RADHA ATI,
P.O.- SOLOGURI, P.S.- DHING, DISTRICT- NAGAON, ASSAM. PIN- 782123.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
MUNICIPAL ADMINISTRATION DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GUWAHATI- 781006.

3:THE DEPUTY COMMISSIONER
NAGAON
P.O.
P.S. AND DISTRICT- NAGAON

ASSAM
PIN- 782001.

4:DHING MUNICIPAL BOARD
REPRESENTED BY THE CHAIRMAN
DHING
P.O. AND P.S.- DHING

DISTRICT- NAGAON
ASSAM
PIN- 782123.

5:THE EXECUTIVE OFFICER
DHING MUNICIPAL BOARD
P.O. AND P.S.- DHING
DISTRICT- NAGAON
ASSAM
PIN- 782123

For the Petitioner : Mr. N.J. Dutta, Advocate.
Mr. N. Ahmed, Advocate

For the Respondents : Mr. N. Goswami, GA, Assam.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

28.07.2023

Issue notice making it returnable on 1st of September, 2023.

2. Mr. N. Goswami, the learned Government Advocate appears for the Respondent No.1, 2, 3 and 5.

3. As the Respondent Nos. 1, 2, 3 & 5 are duly represented by Mr. N. Goswami, extra copies of the writ petition be served upon him by 31st of July, 2023.

4. As regards the Respondent No.4, steps be taken by way of registered post with A/D as well as usual process by 31st of July, 2023.

5. The Petitioner is also permitted to take steps upon the Respondent No.4 by way of dasti routed through the Registry of this Court and file an affidavit of

service on or before the next date.

6. The case of the Petitioner herein is that the Petitioner was accorded permission vide an order dated 22.12.2021 by the Executive Officer of the Dhing Municipal Board. Thereupon the Petitioner on the basis of the said permission constructed the building in question. To the utter surprise of the Petitioner, on 03.05.2023, a notice was issued by the Executive Officer, Dhing Municipal Board asking the Petitioner to submit the required documents as well as the building permission for the purpose construction of the said building. Pursuant thereto, on 31.05.2023, the Petitioner duly submitted the said documents. To the surprise to the Petitioner, an order was issued even prior to the issuance of notice dated 03.05.2023 on 20.04.2023 by the Executive Officer, Dhing Municipal Board, Nagaon whereby the permission so issued on 22.12.2022 have been held to be invalid and it is under such circumstances that the Petitioner has approached this Court apprehending that in view of the said order, the Respondent Authorities may take steps for demolition of the building in question.

7. Taking into account the above, this Court is of the opinion that the Petitioner has been able to make out a case for a direction upon the Respondent Authorities more particularly the Respondent No. 5 not to take any coercive action against the Petitioner till the next date. Accordingly the Respondent Authorities and more particularly the Respondent No. 5 are directed not to take any steps prejudicial to the interest of the petitioner till the next date.

JUDGE

Comparing Assistant