

WP(C) 7163/2016
BEFORE
HON'BLE MR.JUSTICE SUMAN SHYAM

Heard Mr. D. Chakrabarty, learned counsel for the petitioner.

This writ petition has been preferred assailing the order dated 16.09.2016 passed by the Chairman, Silchar Development Authority, directing demolition of the unauthorised construction carried out by the petitioner within 7 days from the date of receipt of the notice.

Mr. Chakrabarty submits that even assuming that there is any violation as indicated in the said order, there are provisions under the Assam Town and Country Planning Act for compounding such violation on payment of penalty. By the representation filed on 29.06.2016, the petitioner had made a prayer for compounding the violation, which according to the petitioner, are of minor nature. However, by completely ignoring the said prayer of the petitioner, the impugned demolition notice has been issued by the respondent No.3.

Mr. Chakrabarty submits that if the operation of the notice is not suspended then the same would lead to irreparable loss and injury to the interest of the petitioner.

Mr. T.C. Chutia, learned Government Advocate, Assam, prays for some time to obtain instructions in the matter.

Let notice of motion be issued, returnable on 23.12.2016.

Mr. Chutia accepts notice on behalf of the respondent No. 1, hence, no formal notice is required to be served to the said respondent. However, extra copies in requisite numbers be furnished to the learned Government Advocate.

Steps by registered post with A/D for service of notice upon the remaining respondents within 3 days from today.

Until the returnable date, operation of the impugned order dated 16.09.2016 (Annexure-F of the writ petition) shall remain suspended.