

GAHC010193532025



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

Case No. : WP(C)/5024/2025

MD JAHIRUL ISLAM
S/O JAMSHED ALI, R/O BYE LANE NO. 1, J.P. AGARWALLA ROAD,
BHARALUMUKH, P.O. AND P.S.- BHARALUMUKH, GUWAHATI, DIST-
KAMRUP (M), ASSAM, PIN-781009

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT
OF ASSAM, MUNICIPAL ADMINISTRATION DEVELOPMENT, DISPUR,
GUWAHATI, PIN-781006, DIST- KAMRUP (M), ASSAM

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
GANESHGURI
DISPUR
GUWAHATI
PIN-781005
DIST- KAMRUP (M)
ASSAM

3:THE MEMBER MAYOR-IN-COUNCIL (APPEAL)
GUWAHATI MUNICIPAL CORPORATION
UZAN BAZAR
GUWAHATI-78100

Advocate for the Petitioner : MR. U K GOSWAMI, MR. I A HAZARIKA,MS. A TALUKDAR

Advocate for the Respondent : SC, GMC,

Linked Case : I.A.(Civil)/3634/2025

SRI MANTU SARMA
S/O GURUDEV MPETRI R/O/ BHARALUMUKH
SANTIPUR
NEW J.B. COMPLEX 3RD FLOOR
J..AGARWALA ROAD
BYE LANE NO -1
GUWAHATI- 781009. ASSAM.

2: SHAHJAHAN KHAN

S/O ESRAIL KHAN
RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1
GUWAHATI 781009 ASSAM

3: SRI SARAWAN JHA

S/O JAIBIR JHA

RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1
GUWAHATI 781009 ASSAM

4: SRI LAMUDAR HALOI

S/O JAYRAM HALOI

RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1
GUWAHATI 781009 ASSAM
VERSUS

MD JAHIRUL ISLAM
S/O JAMSHED ALI
RESIDENT OF BYE LANE NO. 1

J. P AGARWALA ROAD
BHARALUMUKH
PO AND PS BHARALUMUKH
GUWAHATI
KAMRUP M ASSAM 781009

2:THE STATE OF ASSAM

REP BY THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
MUNICIPAL ADMINISTRATION DEVELOPMENT DISPUR GUWAHATI 781006
ASSAM

3:THE COMMISSIONER

MUNICIPAL CORPORATION
GANESHGURI
DISPUR GUWAHATI 781005

4:THE MEMBER MAYOR IN COUNCIL (APPEAL)
GUWAHATI MUNICIPAL CORPORATION
UZAN BAZAAR
GUWAHATI 781001 ASSAM

Advocate for : MR G GOSWAMI
Advocate for : GA
ASSAM appearing for MD JAHIRUL ISLAM

Linked Case : I.A.(Civil)/3633/2025

SRI MANTU SARMA
S/O GURUDEV MPETRI R/O/ BHARALUMUKH
SANTIPUR
NEWJ.B. COMPLEX 3RD FLOOR
J..AGARWALA ROAD
BYE LANE NO -1
GUWAHATI- 781009. ASSAM.

2: SHAHJAHAN KHAN

S/O ESRAIL KHAN
RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1

GUWAHATI 781009 ASSAM

3: SRI SARAWAN JHA

S/O JAIBIR JHA

RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1
GUWAHATI 781009 ASSAM

4: SRI LAMUDAR HALOI

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RESIDENT OF BHARALUMUKH SANTIPUR
NEW J.B COMPLEX
3RD FLOOR
J.P AGARWAL ROAD
BYE LANE NO. 1
GUWAHATI 781009 ASSAM
VERSUS

MD JAHIRUL ISLAM
S/O JAMSHED ALI

RESIDENT OF BYE LANE NO. 1
J. P AGARWALA ROAD
BHARALUMUKH
PO AND PS BHARALUMUKH
GUWAHATI
KAMRUP M ASSAM 781009

2:THE STATE OF ASSAM

REP BY THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
MUNICIPAL ADMINISTRATION DEVELOPMENT DISPUR GUWAHATI 781006
ASSAM

3:THE COMMISSIONER

MUNICIPAL CORPORATION
GANESHGURI
DISPUR GUWAHATI 781005

4:THE MEMBER MAYOR IN COUNCIL (APPEAL)
GUWAHATI MUNICIPAL CORPORATION
UZAN BAZAAR
GUWAHATI 781001 ASSAM

Advocate for : MR G GOSWAMI
Advocate for : GA
ASSAM appearing for MD JAHIRUL ISLAM

Linked Case : WP(C)/4562/2024

SANJAY SHARMA
S/O- LATE JAY PRAKASH SHARMA

C/O- NEW J.B. COMPLEX (1ST FLOOR)

FLAT NO. 103
J.P. AGARWAL ROAD
SANTIPUR

GUWAHATI- 781009
DISTRICT- KAMRUP(M)

ASSAM.

VERSUS

THE GOVERNMENT OF ASSAM AND 2 ORS
THROUGH THE SECRETARY

URBAN DEVELOPMENT
GOVERNMENT OF ASSAM

DISPUR
GUWAHATI- 781006.

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
UZANBAZAR
GUWAHATI- 781001

ASSAM.

3:MD. JEHIRUL ISLAM
C/O- J.B. COMPLEX

1ST BYE LANE

J.P. AGARWALLA
SANTIPUR

GUWAHATI-781009.

Advocate for : PETITIONER IN PERSON

Advocate for : SC

GMC appearing for THE GOVERNMENT OF ASSAM AND 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 19.11.2025

During the course of the hearing of the matter, the learned counsel for the petitioner, Mr. I. A. Hazarika and Mr. U. K. Goswami, have made a statement that their tenants, who are now residing in the third floor of the building which is to be demolished, would be shifting from the premises latest by 03.12.2025.

In the event, the tenants are not shifted out before the said date, this court would construe that the same is on a collusion between the petitioner and the tenants so as to delay the demolition of the unauthorized part of the building.

Registry to list these matter again on **05.12.2025**, for further hearing, on which date the learned counsel for the petitioner and Mr. S. Sharma, learned counsel in person in WP(C).No.4562/2024, shall apprise this Court, about the developments taking place in the matter.

JUDGE

Comparing Assistant