

GAHC010179262023



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

Case No. : WP(C)/4662/2023

DISPUR BAROWARI PUJA SAMITI AND JYOTI KALA KENDRA AND ANR
REGISTERED SOCIETY HAVING ITS OFFICE AND PRINCIPAL PLACE OF
BUSINESS AT GANESHGURI, DISPUR, GUWAHATI-6, AND IS REPRESENTED
BY ITS PRESIDENT SHRI RANJIT BARMAN.

2: RANJIT BARMAN
PRESIDENT
DISPUR BAROWARI PUJA SAMITI AND JYOTI KENDRA

S/O- LATE HAREN BARMAN

R/O K.P. ROAD
HOUSE NO. 2
1ST BYE LANE

JATIA
GUWAHATI-6
KAMRUP(M)

ASSAM

VERSUS

THE GUWAHATI MUNICIPAL CORPORATION AND 2 ORS
REPRESENTED BY ITS COMMISSIONER, GMCH ROAD,
BHANGAGARH, GUWAHATI-5.

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
GMCH ROAD
BHANGAGARH
GUWAHATI-5.

3:THE JOINT COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION
LAKTOKIA
PANBAZAR
GUWAHATI-1

Advocate for the Petitioner : MR. S P ROY

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 14.08.2023

Heard Mr. S.P.Roy, learned Counsel appearing for the petitioner and Mr. S.Bora, learned Standing Counsel for the respondents GMC.

Assailing the notice dated 07.08.2023 issued by the GMC authorities, the instant writ petition has been filed *inter-alia* contending that the shops are being run by the tenants of the petitioners and therefore, they have no liability to pay the market fees as demanded by the GMC authorities.

According to Mr. Roy, learned counsel for the petitioner, the authorities may proceed against the individual tenants as per law but they cannot thrust any liability upon the petitioners simply because they are the landlords of the tenanted premises.

Mr. S Bora, learned Standing Counsel, GMC has contested the said assertion of the petitioner's counsel. He, however, seeks some time to obtain instruction and file affidavit.

In view of above, issue notice of motion returnable in 06 (six) weeks.

Since Mr. Bora has accepted notice on behalf of all the respondents, no formal notice is required to be sent to the said respondents.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within 3 days from today.

Heard on the prayer for the interim relief.

It is directed that the writ petitioner shall submit their reply in response to the notice dated 07.08.2023 within 15 days from today enabling the GMC authorities to take a decision on the plea raised by the petitioner.

As an interim measure, it is, however, provided that no coercive action shall be initiated against the petitioners based on the impugned notice dated 07.08.2023, without obtaining the leave of this court.

JUDGE

Comparing Assistant