

GAHC010193392020



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

Case No. : WP(C)/15/2021

RUNU RANI DAS
W/O- SUJIT KUMAR DAS, R/O- HAILAKANDI ROAD, SILCHAR, DIST.-
CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH THE SECRETARY, TO THE GOVT. OF ASSAM, MUNICIPAL
ADMINISTRATION DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM
NEAR MESSAGE CONTROL ROOM
DISPUR
GHY-06

3:THE SILCHAR DEVELOPMENT AUTHORITY
REP. BY ITS CHAIRMAN
SILCHAR- 788001
DIST.- CACHAR
ASSAM

4:THE T.P.O. CUM MEMBER SECRETARY
SILCHAR DEVELOPMENT AUTHORITY
SILCHAR- 788001
DIST.- CACHAR
ASSAM

5:THE DY. COMMISSIONER
CACHAR
SILCHAR
DIST.- CACHAR

ASSAM
PIN- 788001

6:THE ASSTT. SETTLEMENT OFFICER
SADAR CIRCLE
SILCHAR
DIST.- CACHAR
ASSAM

7:THE NATIONAL INSTITUTE OF TECHNOLOGY
SILCHAR
REP. BY ITS REGISTRAR
P.O. NIT
P.S. SILCHAR
DIST.- CACHAR
ASSA

Advocate for the Petitioner : MR. JUNM LASKAR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 11/01/2021

Heard Mr. JUNM Laskar, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned counsel for the respondents No.1, 2, 5 and 6.

Issue notice, returnable in 4 (four) weeks. Extra copies be furnished within three days. Steps on the respondents No. 3, 4 and 7 by registered post within three days.

The petitioner purchased a plot of land vide Annexure-2 sale deed dated 04.10.2019 in respect of the following land as stated in the schedule:-

“All the pieces and parcels of land measuring an area of 2 kathas 8 chattaks appertaining to Dag No.172 of 2nd R.S. Patta No. 10/5 of Mouza Barakhai Grant, Pargona Chatla, P.S. & Sub-Registry office Silchar Sadar, Dist. Cachar, Bounded as under:

East : Balance land of the Defendant.

West: Balance land of the Defendant

North: Sinjuri Drain.

South: NIT Road.”

In respect of the said land, a no objection certificate for construction had also been given by the Silchar

Development Authority vide NOC dated 04.05.2020.

In the aforesaid circumstance, the petitioner was issued the impugned notice dated 23.07.2020 by which the building permission dated 04.05.2020 is sought to be withdrawn on the ground that the petitioner had started construction on the land of the NIT, Silchar and the construction permission was obtained by suppressing the real facts.

As the petitioner had purchased the plot of land as indicated above, in the interim we provide that any such permission granted to the petitioner and the construction carried out by the petitioner be not stopped by the Silchar Development Authority in respect of the land indicated above.

We further clarify that if the petitioner is undertaking the construction over any other land other than the land purchased by the petitioner, which is indicated above, the interim order shall not be applicable.

Interim order shall continue until further order.

List after four weeks.

JUDGE

Comparing Assistant