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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, MS. A TALUKDAR

Advocate for the Respondent : SC, GMC,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 29.08.2025

Heard Mr. D. Das, learned Senior Counsel assisted by Mr. U. K. Goswami, learned counsel for the petitioner.

Challenge made in this writ petition is to the order dated 13.05.2025, passed by the Mayor-In-Council (Appeal), Guwahati Municipal Corporation, Guwahati, by which the appeal filed by the petitioner has been dismissed with a direction to the authorities to proceed to demolish the unauthorised construction of the petitioner.

It is contended by Mr. Das, learned Senior Counsel that although the petitioner was heard in person, the impugned order has not been communicated to the petitioner. The impugned dismissal order, dated 13.05.2025, has been brought to the knowledge of the petitioner by one *Shri Sanjay Sharma*, who is the writ petitioner in WP(C) No. 4562/2024, filed against the State authority as well as the petitioner for demolition of the unauthorised construction.

Issue notice, returnable by 05.09.2025.

As Mr. P. Nayak, learned Standing Counsel, GMC has entered appearance and accepted notice on behalf of all the respondents, no formal notice need to served. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to him during the course of the day.

Considering that the petitioner's grievance for regularisation of the unauthorised construction has been rejected by the respondent authorities and finally, by the impugned order dated 13.05.2025, and also considering, that a related matter being WP(C) No. 4562/2024 is pending before this Court and as the petitioner undertakes to demolish the 4th Floor and that some part of the

Ground Floor of the building has already been demolished, till the returnable date, the impugned order dated 13.05.2025, passed by the Mayor-In-Council (Appeal), Guwahati Municipal Corporation, Guwahati, shall not be given effect to, in respect of the 3rd Floor.

List along with WP(C) No. 4562/2024 on **05.09.2025**.

JUDGE

Comparing Assistant