

GAHC010217052024



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

Case No. : WP(C)/5324/2024

RATUL CHANDRA ROY
R/O- VILL.- BOALIMARI, P.O. ABHAYAPURI, DIST. BONGAIGAON, ASSAM,
PIN- 783384.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY-781006.

2:THE DEPARTMENT OF TOURISM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
ASSAM STATE TOURISM DEPARTMENT
GOVT. OF ASSAM
DISPUR
GHY-781006.

3:THE DIRECTOR OF TOURISM
DIRECTORATE OF TOURISM
GOVT. OF ASSAM
STATION ROAD
GHY-781001.

4:THE ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
ASSAM PARYATAN BHAWAN
AK AZAD ROAD
PALTANBAZAR
GHY781008.

5:GENERAL MANAGER

ASSAM TOURISM DEVELOPMENT CORPORATION LIMITED
ASSAM PARYATAN BHAWAN
AK AZAD ROAD
PALTANBAZAR
GHY-781008.

6:DISTRICT COMMISSIONER
BONGAIGAON
ASSAM-783384.

7:ADDITIONAL DISTRICT COMMISSIONER
BONGAIGAON
ASSAM-783384.

8:SUB-DIVISIONAL OFFICER (C) NORTH SALMARA AND CHAIRMAN
KKEP DEVELOPMENT COMMITTEE
DIST. BONGAIGAON
ASSAM
PIN- 783384.

9:MEMBER SECRETARY
KKEP DEVELOPMENT COMMITTEE
DIST- BONGAIGAON
ASSAM-783384

Advocate for the petitioner(s): Mr. R Sekhar

Advocate for the respondent(s): Ms. P Baruah

For respondent Nos.2 to 5

Ms. S Baruah

Junior Govt. Advocate, Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

22.11.2024

The issue involved in the instant proceedings relates to not handing over the two components i.e. parking as well as boundary wall with gate in respect of Koya Kujia Eco Park to the petitioner, pursuant to the agreement entered into by and between the respondent No.2 and the petitioner.

2. Ms. P Baruah, the learned counsel appearing on behalf of the respondent Nos.2 to 5 submits on instruction as well as on the basis of the affidavit filed by the said respondents that the parking as well as the boundary wall and the gate belongs to the ATDCL.

3. This Court further made an enquiry with the learned Junior Government Advocate appearing for the State respondents as to why the concerned SDO is not in a position to take effective steps, taking into account that the property i.e. Koya Kujia Eco Park belongs to the ATDCL, who had entered into an agreement with the petitioner. It appears that the SDO concerned is also the Chairperson of the Koya Kujia Eco Park Development Committee and on the basis of the dual functions performed by the SDO, no effective steps had been taken. Under such circumstances, this Court directs the District Commissioner, Bongaigaon being the respondent No.6 to take effective steps to resolve the dispute and place a report before this Court by filing an affidavit on the next date fixed.

4. List this matter again on 18.12.2024 for the report so directed.

5. Ms. S Baruah, the learned Junior Government Advocate appearing on behalf of the District Commissioner, Bongaigaon shall duly intimate the Officer for doing the needful.

JUDGE

Comparing Assistant