

GAHC010227202025



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

Case No. : WP(C)/5888/2025

SURESH KUMAR SARAF
SON OF LATE MURALIDHAR SARAF, SRCB ROAD, FANCY BAZAR,
GUWAHATI-781001, KAMRUP(M)

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HOUSING AND URBAN
AFFAIRS, BLOCK-A, 4TH FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI-
781006, KAMRUP (M), ASSAM

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

3:THE MEMBER
MAYOR-IN- COUNCIL IN APPEAL
GUWAHATI MUNICIPAL CORPORATION
UZAN BAZAR
GUWAHATI-781001

4:KARUNA APARTMENT OWNERS ASSOCIATION HOUSING CO-OPERATIVE
SOCIETY LTD
SRCB ROAD
GUWAHATI-781001
KAMRUP(M)
ASSAM

5:SUNIL KUMAR SARAF
SON OF LATE MURALIDHAR SARAF
SRCB ROAD
FANCY BAZAR
GUWAHATI-781001
KAMRUP(M)

6:SUSHIL KUMAR SARAF
SON OF LATE MURALIDHAR SARAF
SRCB ROAD
FANCY BAZAR
GUWAHATI-781001
KAMRUP(M)

Advocate for the Petitioner : MR. D SARAF, MS M NIROLA,MR. R S MISHRA,MR. S S GUPTA

Advocate for the Respondent : GA, ASSAM, SC, GMC

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

15.10.2025

Heard Shri RS Mishra, learned counsel for the petitioner, who is primarily aggrieved with an order dated 14.08.2025 passed by the Gauhati Municipal Corporation in exercise of powers under Section 337 of the Gauhati Municipal Corporation Act, 1971.

It is the case of the petitioner that the initial notice dated 25.06.2025 which was addressed to the respondent no. 6 contains a schedule. However in the impugned communication dated 14.08.2025 the entrance of the building has also been incorporated which was not a part of the earlier notice. The learned counsel for the petitioner has clarified that though the respondent no. 6 is the brother of the petitioner, they live separately and at the entrance, the petitioner has a shop which is existing for about 20 years.

Let notice be issued, returnable by 4(four) weeks.

Shri S. Bora, learned Standing Counsel, Department of Housing & Urban Affairs and GMC accepts notice on behalf of the respondent nos. 1, 2 and 3. Extra copies of the writ petition be served upon him within two working days.

Petitioner to take steps for service of notice upon the respondent nos. 4, 5 and 6 by registered post with A/D. Steps within two working days.

Shri Mishra, learned counsel for the petitioner prays for an interim order.

Shri Bora, learned Standing Counsel has however objected to the same and has submitted that the respondent no. 6 has not even replied to the initial notice and the inconsistency is minor.

After considering the rival submissions, it is directed that while there would be no restriction on the part of the respondent authorities to act in accordance with law, the entrance of the building is to be excluded from the purview of any pending action till the returnable date.

List this case after 4(four) weeks.

JUDGE

Comparing Assistant