

GAHC010235432022



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

Case No. : WP(C)/7560/2022

HITESH SARMA MEDHI AND 7 ORS
S/O- LT. SADANANDA SARMA MEDHI, R/O- H.NO. 198, RAJGARH
BIHUTOLI, RAJGARH ROAD, DIST.- KAMRUP (M), GHY-07

2: RUP KONWAR GOGOI
S/O- LT. JOGEN GOGOI
R/O- H.NO. 13
BYE LANE NO.4
ASHOK PATH
JATIA
KAHILIPARA
KAMRUP (M)
GHY-19

3: PADUM PRASAD BORA
S/O- LT. PURAB CHANDRA BORA
R/O- PRAFULLA ENCLAVE
H.NO. 23
BYE LANE NO.9
SEWALI PATH
HATIGAON
KAMRUP (M)
GHY-38

4: BHUBENESWAR BORPUJARI
S/O- LT. JOGESWAR SARMA
R/O- H.NO. 33
SURABHI NAGAR
HILL VIEW ROAD
PARAG DAS PATH
BAMUNIMAIDAM
NOONMATI
KAMRUP (M)
GHY-21

5: NIRUPAMA DAS
W/O- SRI PRASSANA DAS
R/O- H.NO. 97
HENGRABARI
NEAR NABAJYOTI CLUB
KAMRUP (M)
GHY-36

6: PRABIN BARMAN
S/O- LT. BIRUHARAM BARMAN
R/O- BELTOLA SURVEY
SAMANAY PATH
GHY-28

7: RATNESWAR MAHANTA
S/O- LT. PRASANA MAHANTA
R/O- ADABARI
P.S. MUKALMUA
DIST.- NALBARI
PIN- 781126

8: PRADIP TALUKDAR
S/O- LT. MAHENDRA TALUKDAR
R/O- VILL- KANIA
NALBARI
ASSAM
PIN- 78133

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY., DEPTT. OF HOUSING AND URBAN
AFFAIRS, GOVT. OF ASSAM, DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

3:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
REP. BY THE CHIEF EXECUTIVE OFFICER
STATEFED BUILDING
GMC HOSPITAL ROAD
BHANGAGARH
GHY-05

4:THE CHAIRMAN

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY THIRD FLOOR
STATEFED BUILDING
GMC HOSPITAL ROAD
BHANGAGARH
GHY-0

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. R M DEKA, N GAUTAM, MR. D J DAS

Advocate for the Respondent : SC, FINANCE, MS. M D BORAH, GA, ASSAM, SC, G M D A

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 07.08.2025

Heard Mr. Tamuz Kashyap, learned counsel appearing for the petitioners. Also heard Ms. H. Baruah, learned Standing Counsel for GMDA.

2. This matter was listed today under the column, "For Referral to the Special Mediation Drive-Mediation 'For the Nation'" as per the Standard Operating Procedure (SOP) as approved by the Executive Chairman, National Legal Services Authority (NALSA) and Chairman, Mediation and Conciliation Project Committee (MCPC) for the Campaign – Mediation 'For the Nation'.

3. The aforesaid Standard Operating Procedure reads as under:-

“ANNEXURE-A

The Standard Operating Procedure as approved by the Hon'ble Executive Chairman NALSA and Chairman, MCPC for the Campaign-Mediation 'For the Nation'.

1. TIME LINE

1st JULY TO 31st JULY- Case Identification, Information to parties and referral to Mediators. (Note-Efforts for mediation will begin soon after referral to Mediator)

July 2025- VC of His Lordship Hon'ble Justice Surya Kant with Chief Justices and Members of Mediation Monitoring Committees of all High Courts of India. (Date of VC will be communicated in due course)

31-7-2025- Transmission of data to MCPC by all the High Courts as to total matters pending as well as referred to mediation under each category in the State on the dedicated email id (dedicated email id will be shared to all High Courts in due course)

4th, 11th, 18th, 25th August and 1st , 8th , 15th and 22nd September 2025 - Transmission of data as to matter settled through mediation to the MCPC by the SLSA on the dedicated email.

6-10-2025- Transmission of data as to total matters referred to Mediation and total matters settled to the MCPC by the High Court on the dedicated email (format is given in this SOP-Annexure A)

7th October 2025- Press Release by each SLSA/Mediation Monitoring Committee of the High Court

Action by the High Court/District Court/Taluka Court

2. All matters having elements of settlement including matters pending under each of the following categories may be referred for mediation.

*MATRIMONIAL DISPUTES CASES,
ACCIDENT CLAIMS CASES,
DOMESTIC VIOLENCE CASES,
CHEQUE BOUNCE CASES,
COMMERCIAL DISPUTES CASES
SERVICE MATTERS CASES,
CRIMINAL COMPOUNDABLE CASES,
CONSUMER DISPUTES CASES,
DEBT RECOVERY CASES,
PARTITION CASES,
EVICTION CASES,
LAND ACQUISITION CASES,*

OTHER SUITABLE CIVIL CASES

3. High Courts and District Courts may identify suitable cases from their database irrespective of the date fixed in the matter. For notice/intimation to the parties, the Courts may list them in the Cause list from 01-07-2025 to 31-07-25 under the Heading -“For Referral to the Special Mediation Drive-Mediation ‘For the Nation’.

4. All such matters should be referred in which there exists an element of settlement.

5. Referral order should contain first date of mediation as well as mobile number and email id of the coordinator of the Mediation Centre where the parties are to appear for settlement efforts.

Action by SLSA/DLSA/TLSC/Mediation Centre

6. All existing Mediators including the Mediators who have undergone 40 Hours Mediation Training recently shall be involved in this Campaign and matters shall be marked to them.

7. Mediation settlement efforts shall be made on all 7 days of the week as per the convenience of the parties.

8. Parties willing to appear online shall be allowed to appear online.

9. Mediation may be completely in offline mode (physical mode), completely in online mode or in Hybrid mode.

10. Taluka or District Legal Services Authority shall facilitate online mediation.

11. Help of counselors, subject matter experts may be taken in the special campaign wherever required.

12. Entire data of cases settled shall be transmitted to the MCPC in tabular chart containing case no., name of the parties, Referral Court’s name, category/nature of the case, name of the mediator, first mediation date and final result date.

Sl.No	Case No.	Parties' Name	Referral Court's Name	Category / Nature of Case	Mediator	First date of mediation	Final Result Date

Action by SLSA/High Court Mediation Monitoring Committee

13. Wide publicity in the print and electronic media should be given to this Mediation Campaign-Mediation 'For the Nation' by the SLSA/High Court Mediation Monitoring committee in regional languages also. The SLSA/High Court Mediation Monitoring Committee may get the campaign document and all other relevant materials translated in to the regional languages of the State.

14. Mediation Monitoring Committee of the High Court may monitor the mediation campaign to ensure its success.

15. Concerned High Court may make its own strategy for ensuring success of this campaign.

Action by Secretary MCPC

16. MCPC shall request the NJA Bhopal to conduct intensive study on all aspects of the campaign including its impact in association with such National Law Universities which It deems fit.

17. MCPC shall inform the Secretary to the Government of India about this campaign.”

4. Pertinent that prior to listing of the said matter in terms of the aforesaid SOP, the cases suitable for referral to the Mediation Centre were identified and thereafter, the parties were notified through their Legal Counsels for taking their consent for referring the case for mediation as per the SOP.

5. The instant writ petition being one of such case has been listed today in order to ascertain whether the parties are agreeable and willing for referring the instant case for mediation.

- 6.** However, when the matter is called today, learned counsel appearing for both parties has submitted that upon communicating to the respective client regards the SOP, the clients are agreeable and willing to refer the matter to the mediation centre.
- 7.** In view of the aforesaid endorsement made by the learned counsels for the parties, the matter is directed to be placed before the coordinator of Mediation Centre, Gauhati High Court, for resolution of the issue arising herein by way of mediation.
- 8.** The parties are accordingly directed to appear before the coordinator of Mediation of the Mediation Centre, Gauhati High Court on 27.08.2025 at 11:30 a.m.
- 9.** Let copies of this order be furnished to all the learned counsels for the parties.
- 10.** For the convenience of the parties the mobile no. and e-mail Id of the coordinator of the Mediation Centre, Gauhati High Court is set out hereinbelow.

Sri Joydev Koch, Secretary, GHCLSC

Mobile No. --- 7099063524

E-mail ID --- ghcmc.ghc@gmail.com

- 11.** The Registry is directed to do the needful in the matter.

JUDGE

Comparing Assistant