

GAHC010033292019



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

Case No. : WP(C)/1173/2019

MACHKHOWA VEGETABLE RETAILERS DEVELOPMENT ASSOCIATION
THROUGH ITS SECRETARY, (MR. GANESH BORAH) MACHKHOWA,
GUWAHATI, KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY

GUWAHATI DEVELOPMENT DEPTT.
DISPUR
GUWAHATI
ASSAM-781006.

4:THE COMMISSIONER AND SECY.

DEPTT. OF AGRICULTURE AND HORTICULTURE
DISPUR
GUWAHATI
ASSAM-781006.

5:THE DY. COMMISSIONER

OFFICE OF THE DY. COMMISSIONER

PANBAZAR
GUWAHATI
KAMRUP (M)
ASSAM-781001.

6:THE GAUWHATI MUNICIPAL CORPORATION

REP. BY ITS COMMISSIONER PANBAZAR
GUWAHATI
KAMRUP (M)
ASSAM-781001.

7:THE COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GUWAHATI
KAMRUP (M)
ASSAM-781001.

8:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM REVENUE AND
DISASTER MANAGEMENT DEPARTMENT
DISPUR ASSA

For the petitioner (s) : Mr. B. Kaushik, Advocate

For the respondent (s) : Mr. S. Bora, Advocate
Ms. M. Barman, Govt. Advocate
Ms. P. R. Mahanta, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

18.12.2023

In pursuant to the various orders passed by this Court on 21.08.2023; 22.09.2023; 08.11.2023 and 17.11.2023, Ms. M. Barman, the learned counsel appearing on behalf of the District Commissioner, Kamrup (M) has placed an instructions dated 08.12.2023 wherein it has been mentioned that the land in question, i.e. a plot of land measuring 3 kathas 10 lechas covered by Dag No.1069 of village Pamohi under Ramcharani

Mouza had been already allotted in favour of Guwahati Municipal Corporation for setting up of Machkhowa Fruits and Vegetables Wholesale Market.

2. It has also been mentioned in the said instructions that necessary record correction has also been made in respect to the said land in favour of Guwahati Municipal Corporation and the Commissioner, Guwahati Municipal Corporation was also intimated to utilize the allotted land within 3 years for the purpose for which it is allotted or else it would automatically revert back to the Government.

3. Ms. M. Barman, the learned counsel appearing on behalf of the District Commissioner, Kamrup (M) however submits that in the instructions so placed today, it was inadvertently written as Machkhowa Fruits and Vegetables Wholesales Market which ought to have been Machkhowa Fruits and Vegetables Retail Market as the same is apparent from the copy of the Chitha placed before this Court.

4. This Court had also taken note of the Chitha for the surveyed village and the remarks mentioned therein stipulates that it is corrected in the name of Machkhowa Fruits and Vegetables Retail Market.

5. Taking into account the above, as the land in question has been allotted in the name of Guwahati Municipal Corporation, the relief which has been sought for in the instant writ petition has been duly redressed to.

6. Accordingly, the instant writ petition stands disposed of.

7. The said communication along with the enclosures so placed by Ms. M. Barman, the learned counsel appearing on behalf of the District

Commissioner, Kamrup (M) is kept on record and marked collectively with the letter "Y".

8. Before parting with the record, this Court however finds it relevant to take note of the order dated 11.05.2018 passed by the Guwahati Development Department wherein it was mentioned that the Guwahati Development Department shall also provide the minimum required fund if necessary for the development of the plot with shaded market area etc.

9. Mr. B. Kaushik, the learned counsel for the petitioner submits that in view of the allotment order making it clear that the utilization is required to be made within a period of 3 years, the respondent Guwahati Development Department as well as the GMC is therefore required to do the needful in terms with the order dated 11.05.2018.

10. Mr. S. Bora and Ms. M. Barman, the learned counsels appearing on behalf of the respondents submit that necessary steps would be taken in terms with the order dated 11.05.2018 of the Guwahati Development Department and the needful would be done so that the land is utilized for the purpose for which it has been allotted.

11. Taking into account the said submissions, this Court closes the instant proceedings on the basis of the assurance given that the respondents shall do the needful as is required for the proper utilization of the land in question. It shall however be open to the petitioners to approach this Court if the assurance and undertaking is not adhered to.

JUDGE