

GAHC010041302022



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

Case No. : WP(C)/1576/2022

NABA JYOTI MAHANTA
S/O- KUSHAL MAHANTA, VILL- SALAIPARA, P.S- MANGALDAI, P.O- SOPAI,
DIST- DARRANG, ASSAM, PIN-784529

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-06,
ASSAM

2:THE DIRECTOR
OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GUWAHATI-06

3:THE DEPUTY COMMISSIONER
DARRANG
MANGALDAI
DIST- DARRANG
ASSAM

4:THE DISTRICT MAGISTRATE
DARRANG
MANGALDAI
DIST- DARRANG
ASSAM

5:THE CHAIRMAN
MANGALDAI MUNICIPAL BOARD
MANGALDAI

DIST- DARRANG
ASSAM

6:THE EXECUTIVE OFFICER
MANGALDAI MUNICIPAL BOARD
MANGALDAI
DIST- DARRANG
ASSA

Advocate for the Petitioner : S. J. SAHARIAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA

ORDER

Date : 26.06.2023

Heard Mr. D. Sarmah, learned counsel for the petitioner. Also heard Ms. S. Sharma, learned Government Advocate, appearing on behalf of respondents No. 1, 2, 3, 4 and 6. However, none appears for the remaining respondents.

This writ petition has been filed, challenging the order, dated 06.08.2020, issued by the District Magistrate, Darrang, Mangaldai, vide Memo. No. DMG-42/2020/Pt/6, whereby, in the interest of public service and security of point of view, regarding illegal commercial construction made at the allotted land of Mangaldai land of Mangaldai Municipal Board; the construction work has been directed to be stopped.

According to the petitioner; pursuant to the allotment of land on lease for the purpose of business to the petitioner by the Mangaldai Municipal Board, dated 23.03.2020, vide Memo. No. M.M.B./2020/786, in Plot No. 21, measuring 7 foot x 5 foot, situated at Southern side of the newly constructed Barpukhuripar Parking Complex under Ward No. 5 of Mangaldai town; the petitioner had started construction

of a room for carrying out his business activities. The allotment of the aforesaid land on lease, however, was with the condition, inter alia, that without the permission of the Board, permanent structure cannot be constructed.

However, the District Magistrate, Darrang, Mangaldai, vide the impugned order, dated 06.08.2020, under Memo. No. DMG-42/2020/Pt/6, has directed the petitioner to stop the construction work carried-out by him in his allotted land purportedly in the interest of public service and security point of view.

Faced with the aforesaid impugned order, dated 06.08.2020, stopping the construction undertaken by the petitioner by the District Magistrate, Darrang, Mangaldai; the petitioner had submitted a representation, dated 18.08.2020, to the Deputy Commissioner, Darrang, Mangaldai, for granting permission to carry-out his business in the allotted land under the Mangaldai Municipal Board which, however, is pending consideration by the authority concerned.

Though notice was issued to the respondents, vide order, dated 07.03.2022, none of the respondents have filed the counter affidavits till date.

Under the circumstances; learned counsel for the petitioner, now prays for disposal of this writ petition with a direction to the Deputy Commissioner, Darrang, Mangaldai, to dispose of his representation, dated 18.08.2020, within a specified period of time.

The above prayer of the learned counsel for the petitioner, has not been opposed by the learned counsels representing the respondents.

Since the prayer made by the learned counsel for the petitioner is limited to the disposal of his representation submitted to the Deputy Commissioner, Darrang, Mangaldai; this writ petition is hereby disposed of by directing the Deputy Commissioner, Darrang, Mangaldai, to dispose of the petitioner's representation, dated 18.08.2020, in accordance with law, as expeditiously as possible, and in any case, not later than 60 days from the date of receipt of a certified copy of this order.

The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant