

GAHC010108102023



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

**Case No. : WP(C)/1566/2023**

PARESH INGJAL  
S/O- LATE JIRAN MIKIR INGJAL

R/O- HOUSE NO. 2  
GAON BURA PATH

JAPORIGOG  
P.S.- DISPUR  
GUWAHATI-5

DIST.- KAMRUP(M)  
ASSAM

PIN- 781005.

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

ASSAM SECRETARIAT  
DISPUR

GUWAHATI-6

2:GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY  
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

STATFED BUILDING  
BHANGAGARH

GUWAHATI.  
3:THE DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRABARI  
GUWAHATI  
ASSAM

PIN- 781006.  
4:THE ADDITIONAL DEPUTY COMMISSIONER  
KAMRUP(M)  
HENGRABARI  
GUWAHTI  
ASSAM.

SRI BIKRAM CHETRI (ENQUIRY OFFICER ENTRUSTED IN ORDER DATED  
09/09/2022 BEING MEMO NO. KRS 1137/2022/2981)

5:THE CIRCLE OFFICER  
DISPUR REVENUE CIRCLE

KAMRUP(M)  
ASSAM

PIN- 781028.  
6:STATE INFORMATION COMMISSION  
ASSAM  
REPRESENTED BY- STATE INFORMATION COMMISSIONER

GODAPANI PATH  
JURIPAR  
PANJABARI

BEHIND P AND RD OFFICE

GUWAHATI- 781037.  
7:M/S K-6 CONSTRUCTION  
REPRESENTED BY SRI RAJ BARUAH

BANIK COMPLEX  
OPPOSITE AXIS BANK

RIHABARI  
GUWAHATI.

-----

|                       |                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------|
| For the Petitioner(s) | : Mr. B. P. Sarma, Advocate                                                                  |
| For the Respondent(s) | : Mr. D. Doley, Advocate<br>: Mr. G. Choudhury, Advocate<br>: Mr. P. Nayak, Standing Counsel |

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 29.09.2023**

1. In view of the order passed in I.A.(Civil) No.2840/2023, the Respondent No.8 has been impleaded.
2. While taking up the matter, it has been brought to the attention of this Court that the writ petition which has been filed by the Petitioner has already become infructuous taking into account that the relief which has been sought for have already been addressed to by the concerned Respondent Authorities.
3. This Court at this stage finds it relevant to take note of that the Petitioner claiming to be the owner of a plot of land wherein the Respondent No.7 has been granted a building permission has lodged a complaint before the Chief Executive Officer, Guwahati Metropolitan Development Authority on 05.04.2022. It is on account of the inaction on the part of the Officials of the Guwahati Metropolitan Development Authority, the Petitioner has approached this Court by way of the instant writ petition.
4. It is also seen that simultaneously another proceedings was initiated before the, Circle Officer, Dispur Revenue Circle as regards the rights over the land in

question. During the course of hearing, it has been brought to the attention of this Court that pursuant to the application filed by the Petitioner before the Chief Executive Officer, Guwahati Metropolitan Development Authority, a Stop Construction Notice was issued to the Respondent No.7 vide a notice dated 30.07.2022. It is also seen that upon an enquiry being made by the Revenue Authorities, it has been found that the Petitioner has no rights over the land in question, rather the land belongs to the newly impleaded Respondent No.8. It is under such circumstances, the complaint which has been filed by the Petitioner on 05.04.2022 was closed by the Chief Executive Officer, Guwahati Metropolitan Development Authority thereby withdrawing the Stop Construction Notice. During the course of hearing, the order dated 29.05.2023 was placed before this Court and the same is kept on record and marked with the letter "X".

5. The learned counsel appearing on behalf of the Petitioner submits that the Revenue Authorities have no jurisdiction to decide on the question of title and as such, the findings which have been arrived at by the Revenue Authorities that it is the Respondent No.8 who is the absolute title holder over the land in question is not tenable.

6. Be that as it may, the question as to whether the Petitioner has title over the land in question or whether the Respondent No.8 has title over the land in question cannot be adjudicated by this Court. Under such circumstances, in view of the order dated 29.05.2023 as well as the findings of the Revenue Authorities to the effect that the Petitioner has no right over the land in question, nothing survives to be adjudicated by this Court for which this Court dismisses the instant writ petition.

7. Before concluding, this Court however clarifies and observes that the dismissal of the instant writ petition shall not preclude or prejudice the

Petitioner in initiating any appropriate proceedings before the competent Civil Court and the observations made hereinabove shall not affect the Petitioner in such proceedings, if so initiated.

**JUDGE**

**Comparing Assistant**