

GAHC010081302023



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

**Case No. : WP(C)/2175/2023**

SMT. SUNITA AGARWAL  
W/O MR. BIKASH KUMAR GOEL, ADD-B.G. ROAD, P.O. AND P.S.-  
SIVASAGAR, DIST-SIVASAGAR, ASSAM, PIN-785640

VERSUS

THE STATE OF ASSAM AND 3 ORS  
(DEPARTMENT OF EXCISE, GOVT. OF ASSAM), REPRESENTED HEREIN BY  
THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM, ADDRESS- FIRST  
FLOOR, F-BLOCK, ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006,  
DIST-KAMRUP (M), ASSAM

2:THE SUPERINTENDENT OF EXCISE  
HENDERABARI  
GUWAHATI-781036  
DIST-KAMRUP (M)  
ASSAM

3:THE COMMISSIONER  
GUWAHATI MUNICIPAL CORPORATION  
OFFICE OF THE GAUHATI MUNICIPAL CORPORATION  
PANBAZAR  
GUWAHATI-781001  
DIST-KAMRUP (M)  
ASSAM

4:THE SENIOR MEDICAL OFFICER  
GUWAHATI MUNICIPAL CORPORATION  
OFFICE OF THE GAUHATI MUNICIPAL CORPORATION  
PANBAZAR  
GUWAHATI-781001  
DIST-KAMRUP (M)  
ASSA

**Advocate for the Petitioner** : MR. S CHAMARIA

**Advocate for the Respondent** : SC, EXCISE DEPTT.

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 29-11-2023**

Heard Mr. S. Chamaria, learned counsel for the petitioner; Mr. R.R. Gogoi, learned Standing Counsel, Excise Department for the respondent nos. 1 & 2; and Mr. S. Bora, learned Standing Counsel, GMC for the respondent nos. 3 & 4.

2. Mr. Chamaria, learned counsel for the petitioner has submitted that the petitioner entered into a tenancy agreement dated 01.07.2019 with a person [not a party-respondent in this writ petition] for a period of 1 [one] year in respect of a property belonging to the petitioner and pursuant to the said tenancy agreement, the person [not a party-respondent in this writ petition] ran a restaurant-cum-IMFL ON Bar in the said property belonging to the petitioner. As the tenancy agreement was not renewed after expiry of 1 [one] year, the petitioner served a legal notice on the tenant on 22.11.2022 asking him to vacate the premise. Highlighting the matter of non-renewal, the petitioner stated to have submitted two representations, both dated 10.03.2023, before the respondent no. 2 and the respondent no. 4 respectively. With the grievance that the said two representations were not considered and disposed of for a prolonged period of time, the petitioner has approached this Court by the instant writ petition seeking inter alia a direction to the said respondent authorities to dispose of the representations expeditiously, after consideration.

3. Mr. Gogoi, learned Standing Counsel, Excise Department and Mr. Bora, learned Standing Counsel, GMC have submitted that the writ petition can be disposed of at this stage with a direction to the respondent no. 2 and the respondent no. 4 respectively to consider the representations submitted by the petitioner before them within a reasonable period of time.

4. Mr. Chamaria, learned counsel for the petitioner has agreed to the submissions made by Mr. Gogoi and Mr. Bora.

5. In view of the broad consensus arrived at by the parties in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of directing the respondent no. 2 and the respondent no. 4 to take the representations dated 10.03.2023, filed by the petitioner before each of them, on board and thereafter, dispose of the same after giving due consideration, in accordance with law and on its own merits. It is ordered accordingly. It is further observed that for disposing of the representations, the said two respondent authorities may afford opportunities to the petitioner and other stakeholders, for personal hearing, if found necessary. As Mr. Gogoi and Mr. Bora have submitted that a period of 6 [six] weeks would be a reasonable period for the respondent authorities to consider and dispose of the representations, it is observed that the said respondent authorities shall dispose of the said representations, as expeditiously as possible, preferably within a period of 6 [six] weeks from today. This order disposes of the writ petition.

**JUDGE**

**Comparing Assistant**