

GAHC010185422014



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

Case No. : WP(C)/2795/2014

NARBADESWAR SINGH and 5 ORS
S/O SRI SHRIKUMAR SINGH, R/O CHABUA TOWN, A -WARD, DIST-
DIBRUGARH, ASSAM

2: GOLAP ALI
S/O MD ABDUL ALI
R/O CHABUA TOWN
B-WARD
DIST- DIBRUGARH
ASSAM

3: PANKAJ GOHAIN
S/O LT. GONDESHWAR GOHAIN
R/O BAGDUM MUDOI GAON
CHABUA TOWN
DIST- DIBRUGARH
ASSAM

4: ARUN GOGOI
S/O LT. MONESHWAR GOGOI
R/O CHABUA KUMAR GAON
DIST- DIBRUGARH
ASSAM

5: UTTAM SEAL
S/O SRI SUKUMAR SEAL
R/O CHABUA TOWN COMMITTEE
B-WARD
CHABUA
DIST- DIBRUGARH
ASSAM

6: SRIMATI SAYA SEAL
W/O SRI SUKUMAR SEAL

R/O CHABUA TOWN COMMITTEE
B-WARD
CHABUA
DIST- DIBRUGARH
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY, MUNICIPAL ADMINISTRATION
DEPARTMENT, DISPUR, GHY-6

2:CHABUA TOWN COMMITTEE
REPRESENTED BY ITS CHAIRMAN
CHABUA
DIST- DIBRUGARH
PIN-786184

3:THE CHAIRMAN
CHABUA TOWN COMMITTEE
CHABUA
DIST- DIBRUGARH
PIN-786184

4:THE DY. COMMISSIONER
DIBRUGAR

Advocate for the Petitioner : MR.R SINGHA

Advocate for the Respondent : MR.PRONAB JYOTI SAIKIA

Linked Case : WP(C)/6303/2014

ABHIJIT BARUAH and 2 ORS
S/O LT. KAMESWAR BARUAH R/O CHABUA TOWN COMMITTEE
DIST. DIBRUGARH
ASSAM.

2: SMTI. SABITRI RABIDAS
D/O LT. KANAK PD. RABIDAS R/O CHABUA TOWN COMMITTEE DIST.
DIBRUGARH
ASSAM.

3: SRI ROBIN GOGOI
S/O LOKESWAR GOGOI R/O NIZ CHABUA
P.O. CHABUA DIST. DIBRUGARH
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY
MUNICIPAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI-6.

2:CHABUA TOWN COMMITTEE

REP. BY ITS CHAIRMAN
CHABUA
DIST. DIBRUGARH
PIN - 786184.

3:THE CHAIRMAN
CHABUA TOWN COMMITTEE
CHABUA
DIST. DIBRUGARH
PIN - 786184.

4:THE DEPUTY COMMISSIONER

DIBRUGARH
DIST. DIBRUGARH
ASSAM.

Advocate for : MR.A UDDIN

Advocate for : MR.N N UPADHYAYAR-2and3 appearing for THE STATE OF
ASSAM AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 10/10/2023

Heard Mr. R. Singha, learned counsel for the writ petitioners in WP(C) 2795/2014 and Mr. Gias Uddin, learned counsel for the petitioners in WP(C) 6303/2014. Mr. N.N. Upadhyay, learned counsel is present on behalf of the respondent nos. 2 & 3 whereas Mr. S.Baruah, learned Government Advocate, Assam, is present on behalf of the respondent nos. 1 & 4.

The writ petitioners in both these writ petitions were carrying on business in the Chabua Swahid Bazar by occupying space in the market complex based on individual agreements entered into with the Chabua Town Committee, (now reconstituted as Chabua Municipal Board). It appears that in

the year 2010, the old Assam Type houses constituting the market were demolished for the purpose of constructing a multi-storied RCC market complex on the same site. Assurance was given to the earlier vendors including the writ petitioners that they would be accommodated on priority basis in the new building. Accordingly, the vendors including the present petitioners had voluntarily relocated their business. However, after the new complex was constructed, no accommodation had been provided to them by the Town Committee/Municipal Board of Chabua in the new market complex, as a result of which, the petitioners had to approach this Court by filing the present writ petitions.

It is the submission of the petitioners' counsel that their clients are mostly vegetable /fruit vendors and, therefore, unless the shops are allocated in the ground floor, it would be practically impossible for them to run their business from shops located in the first floor of the market.

Responding to the above, Mr. Upadhyay, learned counsel for the respondent nos. 2 & 3 has submitted that all the petitioners would be allocated shop rooms in the newly constructed complex but it may not be possible to accommodate the petitioners in the ground floor since the number of shops in the ground floor of the complex are limited and there are other obligations of the Committee with regard to those shops.

Be that as it may, since the only grievance of the petitioners in these writ petitions is on account of the fact that they have not been allocated suitable shop rooms in the newly constructed market complex and considering the assurance given by Mr. Upadhyay that such allocations would be made without further delay if an order is passed by this Court, these writ petitions are being disposed of by providing that the claim of the individual petitioners for allocation of 'suitable' shop rooms in the newly constructed market complex, shall be considered objectively by the authorities and thereafter, necessary steps for allocation of shops will be undertaken without undue delay.

In doing so, the authorities would also keep in mind the nature of business activities conducted by the petitioners and if possible, shop rooms in the ground floor may also be allocated to them, subject, however to the availability of the same.

With the above observations, both the writ petitions stand disposed of.

JUDGE

sukhamay

Comparing Assistant