

GAHC010001052023



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

Case No. : WP(C)/60/2023

MUKUL BORAH AND ANR.
S/O- LATE MAHENDRA BORAH,
R/O- GHARPORA CHUBURI,
B.R ROAD,
P.O AND P.S- TEZPUR, DIST- SONITPUR, ASSAM, PIN-784001

2: DEEPAK BORAH
S/O- LATE MAHENDRA BORAH

R/O- GHARPORA CHUBURI

B.R ROAD

P.O AND P.S- TEZPUR
DIST- SONITPUR
ASSAM
PIN-78400

VERSUS

THE STATE OF ASSAM AND 5 ORS.
- REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
MUNICIPAL ADMINISTRATION DEPARTMENT, ASSAM SECRETARIAT,
DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
SONITPUR
DIST- SONITPUR
ASSAM

3:THE TEZPUR MUNICIPALITY BOARD
REP. BY ITS CEO

TEZPUR

DIST- SONITPUR
ASSAM

4:THE CHAIRMAN
TEZPUR MUNICIPALITY BOARD
REP. BY ITS CEO

TEZPUR
DIST- SONITPUR
ASSAM

5:THE ENGINEER
TEZPUR MUNICIPALITY BOARD
REP. BY ITS CEO

TEZPUR
DIST- SONITPUR
ASSAM

6:ATUL BORAH
S/O- NAGEN BORAH (KOCH)

R/O- GHARPORA CHUBURI

B.R ROAD

P.O AND P.S- TEZPUR
DIST- SONITPUR
ASSAM
PIN-78400

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 04-03-2024

The learned counsel for the petitioner submits that he may allowed to withdraw the present writ petition and file a complaint before the Tezpur Municipal Board raising his grievance as regards the construction

that has been carried out by the respondent No.6, inasmuch as the complaint already filed before the Municipal Board lacks details of his grievance.

The learned counsel for the respondent No.6 submits that the respondent No.6 has instituted a suit seeking declaration of right title and interest and injunction against the present petitioner which is pending before the competent authority in Tezpur and the petitioner has also filed their written statement. Therefore, the matter can be decided in the suit itself.

Without entering into the merit of the claim, this court is of the view that as the petitioner wants to withdraw the instant writ petition and approach the municipal authorities against construction that has been carried out by the respondent No.6, the petitioner shall be allowed to withdraw the petition. Accordingly, the writ petition stands allowed with a liberty to approach appropriate forum available under law.

While parting with the record it is made clear that this court has not determined anything on the right of the petitioner and the respondent No.6.

JUDGE

Comparing Assistant