

GAHC010019862023



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

Case No. : WP(C)/500/2023

RAM KUMAR MAHATO AND 11 ORS
S/O LATE CHUN CHUN MAHATO
R/O M.S. ROAD,
RAILWAY GATE NO. 4,
GUWAHATI-781001,
DIST. KAMRUP (M), ASSAM

2: NILESH SHARMA
S/O LATE SHYAM SUNDAR SHARMA
R/O FATASHIL AMBARI
TULA FACTORY
MILAN PATH

GUWAHATI-781025
DIST. KAMRUP (M)
ASSAM

3: RAJ KUMAR SHAW
S/O LATE SALIK RAM SHAW
R/O 64 B.K. KAKATI ROAD
NEAR GURU NANAK
ARYA NAGAR
GUWAHATI-781008

DIST. KAMRUP (M)
ASSAM

4: HANSRAJ SHARMA
S/O LATE MADAN LAL SHARMA
R/O M.S. ROAD
RAILWAY GATE NO. 4
GUWAHATI- 781001
DIST. KAMRUP (M)
ASSAM

5: HAMID ALI
S/O LATE HAFIUDDIN
R/O ATHGAON
A.C. BYE LANE
GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM

6: KISHAN SHAH
S/O LATE SAILENDER SHAH
R/O M.S. ROAD

RAILWAY GATE NO. 4

GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM

7: JIYAUL HAQUE
S/O MANSOOR ALAM
RESIDENT OF DHARAPUR
AZARA
GUWAHATI-781014
DIST. KAMRUP (M)
ASSAM

8: MANGILAL SHARMA
S/O LATE BHUBANESWAR LAL SHARMA
RESIDENT OF 404 A GOKUL PRIDE
ITTABHATA
GUWAHATI-781025
DIST. KAMRUP (M)
ASSAM

9: BABUL CHANDRA SARKAR
S/O LATE RATHINDRA CHANDAR SARKAR
RESIDENT OF CHATTRIBARI
P.O. LANE

MATRI BHAWAN
HOUSE NO. 13
GUWAHATI-781008
DIST. KAMRUP (M)
ASSAM

10: SUNIL KUMAR DEY
S/O LATE A.M. DEY

R/O S.C. ROAD

AHGAON
GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM

11: KALI PRASAD SHARMA
S/O LATE MAHABIR SHARMA
R/O M.S. ROAD

RAILWAY GATE NO. 4

GUWAHATI- 781001

DIST. KAMRUP (M)
ASSAM

12: SHAKEEL
S/O LATE HEDAYAT HUSSAIN
R/O H.B. ROAD

KAMARPATTI
GUWAHATI -781025
DIST. KAMRUP (M)
ASSA

VERSUS

THE GUWAHATI MUNICIPAL CORPORATION AND ANR.
REP. BY ITS COMMISSIONER, GUWAHATI-781001, DIST. KAMRUP (METRO),
ASSAM

2:THE COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION
GUWAHATI-781001
DIST. KAMRUP (METRO)
ASSA

Advocate for the Petitioner : MR. S KATAKI

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 19.07.2024

Heard Ms. R. Dutta, learned counsel for the petitioners. Also heard Mr. P. Nayak, learned Standing Counsel for GMC.

By filing the instant petition under Article 226 of the Constitution of India, the petitioner are assailing the action of the respondents in enhancing the rent of the rooms of the petitioners vide Notice dated 22.07.2020 situated at New Market, Fancy Bazar at per with the other markets of Guwahat Municipal Corporation without taking note that the lands were allotted to the petitioners and the petitioners had constructed the rooms at their own cost and the respondents are legally entitled to only the rent of the land and not the rent of the rooms.

Today when the matter was called for admission, Ms. R. Dutta, learned counsel for the petitioners submits that during pendency of the writ petition the office of the Municipal Corporation modified the earlier order dated 21.07.2020 and re-fixed the rent of the rooms of the petitioners, which is accepted by them.

A copy of the office order dated 23.03.2023 along with the fixation of the new rate by order dated 27.03.2023 is placed before this Court, which is kept on record and marked as 'X'.

Mr. P. Nayak, learned Standing Counsel for GMC also makes endorsement endorses to the same effect.

In view of the aforesaid, it appears that nothing survives for adjudication.

Accordingly the writ petition stands dismissed for being infructuous.

Disposed of.

JUDGE

Comparing Assistant