

GAHC010033862021



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

Case No. : WP(C)/1974/2021

JORHAT GALA KIRANA MERCHANT ASSOCIATION
HAVING ITS OFFICE AT JORHAT, ASSAM REP. BY THE SECY. SHRI
RAJENDRA PRASAD LAHOTI, S/O. LT. BHANWAR LAL LAHOTI, R/O.
MARWARI PATTY, JORHAT, ASSAM.

VERSUS

THE GENERAL MANAGER AND 5 ORS
NORTH EAST FRONTIER RAILWAY MALIGAON, GUWAHATI, ASSAM.

2:THE STATION SUPERINTENDENT

(GOODS)
NORTHEAST FRONTIER RAILWAY
JORHAT
ASSAM.

3:THE DY. CHIEF COMMERCIAL MANAGER

NORTHEAST FRONTIER RAILWAY MALIGAON
GUWAHATI.

4:THE DIVISIONAL RAILWAY MANAGER

TINSUKIA
DIVISION
NORTH EAST FRONTIER RAILWAY
TINSUKIA.

5:THE EXEUCTIVE DIRECTOR

FOOD CORPORATION OF INDIA

GUWAHATI.

6:THE DY. COMMISSIONER

JORHAT DISTRICT
JORHAT

For the Petitioner(s) : Ms. H. Jain, Advocate

For the Respondent(s) : Mr. A. Barkataki, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 02.02.2024

Heard Ms. H. Jain, the learned counsel appearing on behalf of the Petitioner and Mr. A. Barkataki, the learned Standing counsel appearing on behalf of the Respondent Nos. 1 to 4.

2. The Petitioner herein has challenged the circular dated 25.11.2020 on the ground that the said circular is arbitrary, illegal and violative of Articles 14, 16, 19(1)(g), 21 and 300A of the Constitution of India.

3. The Respondents have duly filed an affidavit-in-opposition stating inter alia that the infrastructural development works had already been completed on 04.10.2021 which includes a complete replacement of the old damaged AC sheet roofing of JT Goods Office, license porter room and merchant room. New tiles have been provided on the floors of the Goods Office, the labour room and the merchant room for a longer hall of the said premises. Aluminium windows with proper grills have also been provided replacing the earlier old windows and kota stone flooring has also been done at the front and back verandahs of the

Goods Office. The Good Office toilet has also undergone a drastic makeover and the toilet has been renovated with new flooring and walls as well as a new hand wash basin, etc. to benefit the labourers. It was also mentioned that all the earlier old and defective shutters of the Goods godown have also been replaced and individual water tank has been provided to avoid any disruption in service of water supply to the toilets, bathrooms, urinals etc. The said affidavit was filed on 19.05.2022.

4. When the matter was listed on 17.11.2023, this Court has put a specific question to the learned counsel for the Petitioner as to whether the grievances of the Petitioner have been duly addressed taking into account the infrastructural development works have been completed. On the said date, the learned counsel for the Petitioner sought for an opportunity for the purpose of filing a rejoinder affidavit. However, no such affidavit has been filed.

5. Taking into account that the statements made in the affidavit-in-opposition have not been denied in spite of receiving the said affidavit as far back as in the month of May, 2022, this Court is of the opinion that the grievances of the Petitioner have been duly addressed to by the infrastructural development works and as such nothing further remains to be adjudicated in the instant writ petition for which the instant writ petition stands disposed of as infructuous.

6. Interim order passed, if any, stands vacated.

JUDGE

Comparing Assistant