

GAHC010035832022



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

Case No. : WP(C)/1470/2022

PRADIP SENGUPTA
S/O LATE SUNIL RANJAN SENGUPTA, R/O WARD NO. 16, NATUNPARA,
DOLAIGAON PART-II, P.O. AND P.S. AND DIST-BONGAIGAON, ASSAM-
783380

VERSUS

UMA DAS AND 3 ORS
W/O SRI ANUP KR. DAS

2:SMTI. MALA KUNDU
W/O SRI DEBASISH KUNDU
R/O WARD NO. 10
BONGAIGAON TOWN
P.O. AND P.S. AND DIST-BONGAIGAON
ASSAM

3:MD. AFRUDDIN
S/O MD. WAKIL
R/O WARD NO. 10
BONGAIGAON TOWN
P.O. AND P.S. AND DIST-BONGAIGAON
ASSAM

4:BONGAIGAON MUNICIPALITY
REPRESENTED BY THE EXECUTIVE OFFICER/CHAIRMAN
BONGAIGAON-783380
ASSA

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : MR. R DE (FOR CAVEATOR)

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 26-02-2024

Heard Mr. Sishir Dutta, learned Senior Counsel assisted Ms. S. Mochachari, learned counsel for the petitioner. Also heard Mr. R. De, learned counsel for the caveators/respondent Nos. 1 and 2 and Ms. R. Saha, learned counsel for the respondent No. 4.

2. By this writ petition, the petitioner is questioning the construction of a G+4 building in the neighbourhood as being illegally constructed by respondent Nos. 1 and 2 through the respondent No. 3 who is the developer.

3. After considering the totality of the matter, this Court is of the opinion that it would be appropriate to have an enquiry conducted by the respondent No. 4 i.e. Bongaigaon Municipality Board as regards the allegation of the petitioner in connection with the construction of the building in question.

4. In view of the above, this writ petition stands disposed of with a direction that the petitioner shall submit a representation before the respondent No. 4 i.e. Municipality Board and upon receiving the same, the respondent No. 4 shall conduct an enquiry and do the needful in accordance with law after giving due opportunity to all the parties concerned.

5. It is needless to clarify that the aforesaid exercise shall be preferably completed within a period of two months from the date of receipt of certified copy of this order.

With the above observations and directions, this writ petition stands

disposed of.

JUDGE

Comparing Assistant