

GAHC010041622024



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

Case No. : WP(C)/1247/2024

KISHORE ROY
S/O- LT. KRISHNA PADA ROY,
R/O- VILL- SAPATGRAM WARD NO. 5 (NEW)
P.O. AND P.S.- SAPATGRAM
DIST. DHUBRI, ASSAM
PIN- 783337.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM,
DISPUR, GHY-6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
MUNICIPAL ADMINISTRATION DEPARTMENT
DISPUR
GHY-06.

3:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM
DISPUR
GHY-06.

4:THE DISTRICT COMMISSIONER
BAKSA
ASSAM
PIN 7833

5:SUB-DIVISIONAL OFFICER (C)
BILASIPARA
DIST.- DHUBRI

ASSAM

PIN- 783348.

6:THE EXECUTIVE OFFICER
SAPATGRAM MUNICIPAL BOARD
P.O. AND P.S.- SAPATGRAM

DIST.- DHUBRI
ASSAM

PIN- 783337.

7:THE SAPATGRAM MUNICIPAL BOARD
REPRESENTED BY THE CHAIRMAN

SAPATGRAM MUNICIPAL BOARD

P.O. AND P.S.- SAPATGRAM

DIST. DHUBRI
ASSAM

PIN- 783337

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/2056/2024

UTTAM MRIDHA
S/O LT. GURISH CH. MRIDHA

VILL.-SAPATGRAM WARD NO. 9 (NEW)

P.O. AND P.S.- SAPATGRAM
DIST.- DHUBRI
ASSAM
PIN- 783337.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR. GHY- 6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
MUNICIPAL ADMINISTRATION DEPTT.

DISPUR

GHY- 06.

3:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
ASSAM

DISPUR

GHY- 06.

4:THE DISTRICT COMMISSIONER
DHUBRI

ASSAM

783301.

5:SUB-DIVISIONAL OFFICER
BILASIPARA

DIST.- DHUBRI

ASSAM

PIN- 783348.

6:THE EXECUTIVE OFFICER
SAPATGRAM MUNICIPAL BOARD

P.O. AND P.S.- SAPATGRAM

DIST.- DHUBRI

ASSAM

PIN- 783337.

7:THE SAPATGRAM MUNICIPAL BOARD
REP. BY THE CHAIRMAN

SAPATGRAM MUNICIPAL BOARD

P.O. AND P.S.- SAPATGRAM

DIST.- DHUBRI

ASSAM

PIN- 783337.

Advocate for the petitioner(s): Mr. SS Ahmed

Advocate for the respondent(s): Ms. S Baruah,

Government Advocate

Mr. AK Sarma

Respondent Nos.6 and 7.

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.07.2024

Heard Mr.SS Ahmed, the learned counsel appearing on behalf of the petitioners. Also heard Ms. S Baruah, the learned counsel appearing on behalf of the respondent Nos.1, 2, 3, 4 and 5 and Mr. AK Sarma, the learned counsel appearing on behalf of respondent Nos.6 and 7.

2. Both the writ petitions being in relation to the same subject matter are taken up together for disposal by this common order. Both the writ petitioners herein claim that they were allotted rooms measuring 6x8 sq.ft in the market complex under the Sapatgram Town Committee back in the year 2006 to hold their business. Both the petitioners used to pay their house rents from time to time and were not defaulters. A newly constructed market was made by the Sapatgram Municipal Board which was constructed after demolishing the premises which were allotted to the petitioners. Under such circumstances, both the writ petitioners requested for allotment of rooms in the new building. Apprehending that the petitioners would not be allotted the rooms, the instant writ petitions have been filed.

3. This Court duly takes note of that pursuant to the filing of the instant writ petition and orders being passed, an affidavit-in-opposition was filed by the

respondent No.7 in both the writ petitions. In paragraph 6 of the said affidavit-in-opposition, it is seen that names of both the writ petitioners appear in the Room Rent Register. It is also seen from the Resolution No.4 dated 11.07.2024, which has been enclosed as Annexure-A to the affidavit-in-opposition of the respondent No.7 that the Board has decided to give first preference to the persons, who were the actual occupant as per the records of the Office in the aforementioned temporary sheds and who continued their own business without break paying regular toll/rent etc., to the Municipal Office subject to fulfillment of other terms and conditions of the Board in respect of rent, improvement fees etc., to be fixed by the Assam Municipal Act, 1956.

4. This Court having taken note of the contents of the writ petition as well as the affidavit-in-opposition, wherein it has been duly acknowledged that both the writ petitioners were the actual occupants as per the records in the Office and there is nothing to the effect that the petitioners were defaulters, this Court is of the opinion that the petitioners in view of the decision so taken by the Board in its meeting held on 11.07.2024 is required to be duly considered for allotment.

5. This Court, however, makes it clear that the said consideration be made in favour of the petitioners subject to fulfillment of the other terms and conditions of the Board in respect of rent, improvement fees etc., which shall be fixed in terms of the Assam Municipal Act, 1956.

6. In terms of the above, both the writ petitions stand disposed of.

7. Interim orders, if any, shall stand vacated.

JUDGE

Comparing Assistant