

GAHC010077082017



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

Case No. : WP(C)/894/2018

KAMAL KR. JAIN
S/O LT. KAILASH CHAND JAIN
R/O BARUAH ROAD,
WARD NO. 6,
P.O. AND P.S. NALBARI, DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
TOWN AND URBAN PLANNING DEPARTMENT, DISPUR, GUWAHATI-5.

2:THE NALBARI MUNICIPAL BOARD

REP. BY ITS CHAIRMAN
P.O. AND P.S. NALBARI
DIST. NALBARI
ASSAM

3:THE CHAIRMAN

NALBARI MUNICIPAL BOARD

P.O. AND P.S. NALBARI
DIST. NALBARI
ASSAM

4:THE EXECUTIVE OFFICER

NALBARI MUNICIPAL BOARD

P.O. AND P.S. NALBARI

DIST. NALBARI
ASSAM

5:THE DEPUTY COMMISSIONER

NALBARI
ASSAM

6:SMT. RADHA SARMA
W/O SRI LAL CHAND SARMA
BARUAH ROAD

NALBARI
WARD NO. 6

P.O. AND P.S. NALBARI
DIST. NALBARI
ASSA

Advocate for the Petitioner : MR. D CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 02.02.2024

1. The instant writ petition has been filed by the petitioner being aggrieved by the actions of the respondent Nalbari Municipal Board in transferring the Holding Nos. 170 and 171 of Ward No. 6 of Nalbari Town in favour of the respondent No. 6.
2. From the materials on record, it transpires that dispute involved in the present case, primarily, is a dispute relating to title over the holdings in question as to whether the petitioner and his wife had transferred his land to the land holding predecessor-in-interest of the respondent No. 6.
3. Taking into account that the dispute involved primarily a civil

dispute and the competent civil Court would be the appropriate forum, therefore, this Court is not inclined to entertain the instant writ petition. Consequently, the writ petition stands dismissed.

4. However, liberty is given to the petitioner to approach the competent civil Court as regard his right over the land and the building standing thereupon.

5. The dismissal of the instant writ petition shall not however, prejudice the petitioner, if such civil proceedings are initiated.

JUDGE

Comparing Assistant