

GAHC010112852016



2024:GAU-AS:13063

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

Case No. : WP(C)/3368/2016

MINTU BARUAH and 6 ORS
S/O- UMESH BORUAH, R/O- K.C. SEN ROAD, PALTAN BAZAR, GHY- 8.

2: NAGEN DAS
S/O- KABIN DAS
R/O- K.C. SEN ROAD
PALTANBAZAR
GHY- 8.

3: AHIDUL ALI
S/O- ABDUL ALI
R/O- K.C. SEN ROAD
PALTANBAZAR
GHY- 8.

4: PRANAB RAJAK
S/O- DURGA RAJAK
R/O- K.C. SEN ROAD
PALTANBAZAR
GHY- 8.

5: RAJIB MEDHI
S/O- SHANKAR MEDHI
R/O- SOLAPARA ROAD
PALTANBAZAR
GHY- 8.

6: TAZAMUL HAQUE
S/O- MUZAMIL HAQUE
R/O- SOLAPARA ROAD
PALTAN BAZAR
GHY- 8.

7: ISATAQUL ISLAM

S/O- ALTAF HUSSAIN
R/O- SOLAPARA ROAD
PALTANBAZAR
GHY- 8

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
URBAN DEVELOPMENT DEPTT., DISPUR, GHY- 6.

2:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
REP. BY ITS CHIEF EXECUTIVE OFFICER
GUWAHATI MEDICAL COLLEGE ROAD
GHY- 5.

3:THE GUWAHATI MUNICIPAL CORPORATION
REP. BY ITS COMMISSIONER
GHY- 1.

4:THE TOWN and COUNTRY PLANNER
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
KAMRUP
GUWAHATI
REP. BY ITS EXECUTIVE OFFICER.

5:THE PROPRIETOR
HOTEL CHANAKYA
K.C. SEN ROAD
PALTAN BAZAR
GHY- 8

For the petitioner (s) : Mr. L. Mohan, Advocate

Sr.

For the respondent (s) : Mr. Z. Mukit, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

20.12.2024

The instant writ petition has been filed challenging the inaction on the part of the GMC Authorities in not taking steps

pursuant to the notice issued under Section 337 of the Guwahati Municipal Corporation Act, 1971. It is seen that pursuant to the orders passed by this Court on 06.11.2024; 07.11.2024; 11.11.2024 and 18.11.2024, the GMC has taken appropriate steps in the matter. It has also been mentioned that the 6th and the 7th floor of the building in question is in the process of being demolished, and in that regard, an affidavit has also been filed by the GMC Authorities bringing on record the photographs to that extent. It is also taken note of that in respect to the violation pertaining to the 5th floor of the building, there is an injunction which has been passed by the learned Civil Court, and as such, this Court would not like to comment on that as the lis is presently pending before the Civil Court.

2. Be that it may, this Court, taking into account the action which has been taken by the GMC Authorities, is of the opinion that nothing further remains in the instant writ petition to be decided in as much as the GMC Authorities have already taken steps pursuant to the notice under Section 337 of the Guwahati Municipal Corporation Act, 1971.

3. This Court, however directs the Commissioner, GMC to ensure that the demolition of the 6th and 7th floor of the building in question is completed at the earliest.

4. With the above, the instant writ petition stands closed.

JUDGE

Comparing Assistant