

GAHC010120312024



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

Case No. : WP(C)/3083/2024

HDFC BANK LTD.

A COMPANY INCORPORATED AND REGISTERED UNDER THE COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT HDFC BANK HOUSE, SENAPATI BAPAT MARG, LOWER PAREL (W), MUMBAI- 400013 AND HAVING ITS BRANCH OFFICE AT HDFC BANK LTD, SONARI BRANCH, BHOJO TINIALI, DHODOR ALI, SONARI TOWN, DISTRICT- CHARAIDEO, PIN CODE NO. 785690, ASSAM AND REPRESENTED BY ITS PROJECT MANAGER NAMELY PANKAJ SHARMA AS AUTHORIZED SIGNATORY OF THE BRANCH

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DM DEPARTMENT, DISPUR, GUWAHATI- 781006, KAMRUP (M), ASSAM

2:THE DEPUTY COMMISSIONER
CHARAIDEO
DISTRICT- CHARAIDEO- 785690
ASSAM

3:THE CIRCLE OFFICER
SONARI REVENUE CIRCLE
DISTRICT- CHARAIDEO- 785690
ASSAM

4:THE EXECUTIVE ENGINEER
PWDRD
CHARAIDEO DISTRICT TERRITORIAL ROAD DIVISION
SONARI
DISTRICT- CHARAIDEO 785690

ASSAM

5:MRS AHMEDI BEGUM
WARD NO. 1
BHOJO TINIALI
DHODOR ALI
SONARI TOWN
DIST.- CHARAIDEO 785690
ASSA

Advocate for the Petitioner : MR A C BORBORA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

24.06.2024

Heard Mr. A.C. Borbora, learned Senior Counsel assisted by Mr. M. Smith, learned counsel for the petitioner. Also heard Mr. R. Borpujari, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no.1, Mr. D. Nath, learned Senior Government Advocate, Assam appearing for the respondents no. 2 & 3 and Mr. B. Gogoi, learned Standing Counsel, Public Works Department (R), (PWRD) for the respondent no.4. Although notices were not issued in this matter, advance copies of the writ petition was sought to be served on the private respondent no.5 by way of *Dasti* and an affidavit to that effect has been filed by the writ petitioner stating that the respondent no.5 has refused to accept the notice.

2] The writ petitioner is a private Bank, namely, HDFC Bank Limited, operating services from the tenanted premises which belongs to the respondent No.5. Because of public works relating to construction of drain and roads, the land of the respondent no.5 over which the building from which the petitioner Bank operates was acquired by the State and handed over to the Public Works Department. Adequate compensation in that regard had already been released to the private respondent no.5.

3] Pursuant there to the PWD Department has initiated the process for construction of the drains as well as the road under the *Asom Mala Project* which relates to strengthening and widening of roads in the State. By filing a representation dated 30.03.2023 before the Circle Officer, Sonari Town, the petitioner, who is a tenant in the premises of respondent No. 5, had initially prayed for extension of time to continue their operation from the said premises for an additional period of at least 1 year and to get an alternative place to start the operation. Subsequently, the petitioner has filed another representation dated 25.04.2024.

4] The petitioner objected to the notice issued by the Sonari Circle Officer for vacating the premises which although was issued to the landowner, namely, respondent No.5. Subsequently, the petitioner was served with the impugned

notice dated 06.06.2024, directing them to vacate the premises at the earliest as the same is required for demolition of the building. Since the grievances raised in representations were not redressed by the respondent Departments, the petitioner is before this Court with a limited prayer to direct the respondents to dispose of the representation dated the 25.04.2024 and to grant further time of 5 (five) months to vacate the said premises and shift to alternative premises.

5] The learned Senior Counsel for the petitioner submits that this is a private Bank having number of customers and besides Bank accounts, the Bank provides locker facilities/storage facilities to the customers of the Bank to safe keep their valuables items in the Bank lockers. These lockers will have to be safely transferred to the new location which the Bank has already acquired and the same is under renovation to make it appropriate for the purposes of the Bank.

6] By order dated the 13.06.2024, the respondents were permitted to obtain instructions and the PWD Department was directed not to proceed for demolition of the building. Subsequently, the interim order was extended again on the 18.06.2024.

7] Today, when the matter is called up, the learned Standing Counsel representing the respondents submits that there is an urgent need to complete

the execution of work as the work is in public interest and it has to be completed within the period of completion prescribed. Failure to do so will lead to cost escalation in the execution of the said works.

8] Mr. A.C. Borbora, learned Senior Counsel for the petitioner, on the other hand, submits that some further time be granted enabling the petitioner to shift the operations of the Bank to the newly identified alternative location.

9] Considering the submissions made by the learned counsel for the parties in the writ petition and also upon careful perusal of the pleadings on records, including the instructions which have been received by the learned Government Advocate, Assam for the respondents which are placed before this Court, this Court is of the view that without going into the particulars of the process for acquisition and issuance of notices to the persons interested, including the tenant, which albeit are also not under challenge before this Court, it is proposed to dispose of the writ petition directing the petitioner Bank to vacate the premises by shifting the Bank to the alternative location identified as expeditiously as possible not later than a period of 2 (two) months. The petitioner will vacate the premises and hand over the possession to the respondent authority latest by 27.08.2024. Ordered accordingly.

10] Till the date fixed by this Court i.e. 27.08.2024, the State Authorities,

including the PWD authorities, namely, the respondent no.4, will not proceed to demolish or make the building unsafe for occupation of the petitioner bank in any way. The petitioner will positively vacate and hand over the premises latest by 27.08.2024. Any failure to do so will not further restrict the respondents in carrying out the construction processes, including taking up steps for demolition of the building.

11] In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant