

GAHC010144432024



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

Case No. : WP(C)/3692/2024

JALAL UDDIN AND ANR
S/O- JOHIR UDDIN,
R/O- DOBOKA TOWN, WARD NO.- 5,
P.O.- DOBOKA, P.S.- DOBOKA,
DIST.- HOJAI, ASSAM,
PIN- 782440.

2: SAD AHMED BORBHUIYAN
S/O- MD. ROFIQ UDDIN BORBHUIYAN

R/O- VILL- CHANGMAJI PATHER
WARD NO. 10

P.O.- MODERTOLI
P.S.- DOBOKA

DIST.- HOJAI
ASSAM

PIN- 782440

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF HOUSING AND URBAN AFFAIRS,
DISPUR, GUWAHATI-6, ASSAM.

2:THE DABAKA MUNICIPAL BOARD
REPRESENTED BY THE CHAIRPERSON

DABAKA MUNICIPAL BOARD
DABAKA

HOJAI
ASSAM.

3:THE EXECUTIVE OFFICER
DABAKA MUNICIPAL BOARD
DABAKA
HOJAI
ASSAM.

4:THE DISTRICT COMMISSIONER
HOJAI DIST.
HOJAI
ASSAM

For the Petitioner(s) : Mr. I. Ahmed, Advocate

For the Respondent(s) : Mr. N. Goswami, Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 26.07.2024

Heard Mr. I. Ahmed, the learned counsel appearing on behalf of the Petitioners and Mr. N. Goswami, the learned Government Advocate appearing on behalf of the Respondent Nos. 1, 3 and 5.

2. The case of the Petitioners herein is that the Petitioner No.1 was carrying on a business of grocery shop in the year 1997 and the Petitioner No.2 started a shop in the year 2000 in Ward No.4 in Doboka Town. The Doboka Municipal Board demolished those structures and constructed a new building. It has been submitted by the learned counsel for the Petitioners that the Doboka Municipal Board had completed the building in the month of June, 2024.

3. The learned counsel for the Petitioners has also drawn the attention of this Court to Annexure-II which are the receipts showing that Rs.50,000/- each have been taken from the Petitioners herein on account of allotment fees.

4. It is the case of the Petitioners that the Respondent Nos. 2 and 3 are taking steps for granting allotment. It is the further case of the Petitioners that the Petitioners have duly approached the said Respondent Nos. 2 and 3 but the Petitioners apprehends that the said Respondents may not allot the Petitioners the rooms for which payment have been taken.

5. The Court had put a specific query upon the learned counsel for the Petitioners as to whether any representation has been submitted upon the Respondent Nos. 2 and 3 as regards their grievances. The learned counsel with all his fairness submitted that the Petitioners has verbally approached.

6. It is the opinion of this Court that the Petitioners would be well advised to approach the Respondent Nos. 2 and 3 by submitting representation along with their money receipts of Rs.50,000/- each in regard to the allotments. This Court further observes and directs that in the circumstance, the Petitioners submit such representation along with the said documents evidencing that they paid certain amounts towards the allotments, the Respondent Nos.2 and 3 shall duly consider the same.

7. This Court also observes that in the circumstance, the Petitioners are aggrieved by the actions of the Respondent Authorities, the Petitioners are given the liberty to approach this Court.

8. With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant