

GAHC010169822024



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

Case No. : WP(C)/4246/2024

M/S THE EXCEL ENGINEERS INNOVATIONS PVT LTD
PVT. LTD. REP. BY ONE OF ITS BOARD OF DIRECTORS AHSANUL ALAM ,
AGE 51 YRS,
S/O- DEWAN JONYAL ABEDIN,
NEAR GAUDIYA MATH, TILAPARA,
P.O AND P.S- GOALPARA, DIST- GOALPARA, PIN-783101, ASSAM

VERSUS

THE COMMISSIONER AND SECRETARY THE GUWAHATI DEVELOPMENT
DEPARTMENT AND 2 ORS
TO THE GOVT OF ASSAM, DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
NEAR GANESH MANDIR
DISPUR
GUWAHATI-06
ASSAM

3:THE DEPUTY COMMISSIONER (I/C)
THE GUWAHATI MUNICIPAL CORPORATION
SOUTH ZONE
ULUBARI
GUWAHATI-07
ASSA

Advocate for the Petitioner : MR. S SINHA,

Advocate for the Respondent : GA, ASSAM, SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

22.08.2024

1. Heard Mr. S. Sinha, learned counsel for the petitioner, who submits that the petitioner's property in which he is running his office has been sealed, due to petitioner not having cleared the debris that was lying outside the office. Further GMC officials have been demanding bribes to enable the petitioner to run his office.

2. Mr. S. Sinha also submits that Notice dated 12.08.2024 was issued by the Deputy Commissioner (I/C), Guwahati Municipal Corporation, South Zone, Ulubari, wherein it was stated that the petitioner's premise had been sealed by the GMC authority, as no valid Trade Licence was found with the petitioner during inspection and that the petitioner has been running the business in the premise for the last 3 (three) months without any Trade Licence. The Notice also states that the premise would be de-sealed only after submission of all valid requisite documents and payment of penalty, as prescribed under the Guwahati Municipal Corporation Act, 1971 and the Guwahati Municipal Corporation (Amendment) Act, 2021.

3. Mr. S. Sinha has also produced the Trade Licence Certificate issued by the GMC to the petitioner on 16.08.2024 at 12:56 AM.

4. Mr. S. Bora, learned counsel for the GMC submits that the petitioner does

not have any right to file the writ petition, inasmuch as, there is no resolution by the company authorizing any person to file the writ petition on behalf of the company. He further submits that the fact that the petitioner did not have any Trade Licence earlier is proven by the Trade Licence dated 16.08.2024 produced by the petitioner's counsel today in the Court. He submits that as and when the petitioner makes a reply to the Notice, by annexing the Trade Licence dated 16.08.2024 and pays the prescribed penalty, the GMC will consider de-sealing the petitioner's premise.

5. I have heard the learned counsels for the parties.

6. Though the petitioner has alleged that some GMC officials had been demanding bribes from the petitioner, no person of the GMC has been made a party in his individual capacity in the present case. The notice informing the petitioner that his premise was sealed and that he was having no valid Trade Licence is proven by the Trade Licence dated 16.08.2024, produced by the petitioner's counsel today. The said Trade Licence has been issued 4 days after the Notice dated 12.08.2024.

7. The above being said, this Court is of the view that the Notice dated 12.08.2024 would have to be answered by the petitioner and in the process, the petitioner may also annexe his Trade Licence dated 16.08.2024 with a prayer to de-seal his property. Accordingly, liberty is given to the petitioner to submit his reply to the Notice dated 12.08.2024, which should be done within a period of 1 (one) week from today and by personally appearing before the concerned

authority. The concerned authority shall thereafter take a decision on the same, within 3 (three) days of the date of receipt of the petitioner's reply to the Notice dated 12.08.2024.

8. The copy of the Trade Licence dated 12.08.2024 is made a part of the record and marked as Annexure-X.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant