

GAHC010194262024



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

Case No. : WP(C)/4811/2024

SAURAV KALITA AND ANR
S/O LATE DINESH KALITA,
RESIDENT OF PANJABARI, KALAKSHETRA, JILKA PATH, LIM ENCLAVE, A
BLOCK, FORTH FLOOR, PO BAGHARBARI, PS DISPUR, GUWAHATI ,
KAMRUP M ASSAM 781037

2: SRI PRAHLAD KALITA
S/O LATE HARICHARAN KALITA.
RESIDENT OF PANJABARI
KALAKSHETRA
JILKA PATH
LIM ENCLAVE
A BLOCK
FORTH FLOOR
PO BAGHARBARI
PS DISPUR
GUWAHATI
KAMRUP M ASSAM 78103

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI 781006

2:THE PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
GOVT. OF ASSAM DISPUR GUWAHATI 781006

3:THE SECRETARY
GUWAHATI DEVELOPMENT DEPARTMENT
ASSAM GOVT. OF ASSAM DISPUR GUWAHATI 781006

4:THE COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION BHANGAGARH
KAMRUPM GUWAHATI 781001

5:THE COLLECTOR

GUWAHATI MUNICIPAL CORPORATION GANESHGURI
KAMRUPM GUWAHATI 78100

Advocate for the Petitioner : MR N BARMAN, MS J BARMAN,K BORO

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

20.09.2024

Heard Mr. N. Barman, learned counsel for the petitioner, who submits that the petitioner is running the restaurant called "The Urban Paradise". He submits that the said restaurant was sealed by the Guwahati Municipal Corporation vide notice dated 05.09.2024, on the ground that the business was being run without a valid trade licence.

2. The petitioner's counsel submits that a fresh valid trade licence has been issued by the GMC to the petitioner on 06.09.2024. Accordingly, the petitioner should be allowed to open his restaurant, after all the required penalties are paid by the petitioner.

3. Mr. S.R. Baruah, learned counsel appears for the respondent Nos. 1 & 2.

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

petitioner should approach the GMC with a representation along with the valid trade licence. Thereafter, as and when the petitioner pays the fine, if any, payable to the GMC, the petitioner's restaurant will be de-sealed for business.

5. In view of the submissions made by the counsels for the parties and keeping in view the fact that the petitioner has obtained a fresh trade licence on 06.09.2024, the petitioner is given the liberty to approach the GMC authorities for de-sealing his restaurant. Accordingly, if the petitioner approaches the GMC authorities with a request to de-seal his restaurant, the GMC authorities should allow for the same after all the required fees/penalties are paid by the petitioner. The entire exercise of de-sealing the restaurant should be completed within 2(two) days from the date of receipt of the application for de-sealing the restaurant, subject to the condition that the petitioner pays all the required fees and penalties payable.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant