

GAHC010199482017



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

Case No. : WP(C)/4557/2017

MANOJ KUMAR and ANR.
S/O BHRIGU RAM, PROP. M/S MAA MECHANISED LAUNDRY, NORTH EAST
COLONY, NEW BONGAIGAON, ASSAM

2: SRI MANISH KR. KOTHARI
S/O KISHOR KR. KOTHARI
PROP-ARBEE ENTERPRISE
MAIN ROAD
BONGAIGAON TOWN
BONGAIGAON
ASSA

VERSUS

ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
and 3 ORS.
REP. THROUGH MANAGING DIRECTOR, BAMUNI MAIDAM, GUWAHATI-
781021

2: THE GENERAL MANAGER

INDUSTRIAL ESTATE
NEW BONGAIGAON
AIIDC
PIN-783380

3: SMT. BINA AGARWALA
W/O SRI SITARAM AGARWALA
C/O SANTOSH SARKAR
B.N. SUREKHA COMPLEX
CHAPAGURI ROAD
BONGAIGAON
ASSAM

4:SRI DINESH SINGHI
S/O LATE DULICHAND SINGHI
PROP-SINGHI INDUSTRIES
C/O SINGHI ENTERPRISE
BARABAZAR
MAIN ROAD
BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR.B J MUKHERJEE, MR.S S SHARMA,MS.L SHARMA

Advocate for the Respondent : MR.G KHANDELIAR-4, MR A N SARMAH,MR M M ZAMAN,MR. S CHAMARIA,MR. M. MAHANTA, SC, AIIDC, (R-1),MR.K DEKA(R-4),MRS.A DEVI(R-1),MR.G N SAHEWALLA(Sr.Adv.)(R-3)(R-4),MR.A CHETIA(R-3),MR.P DEKA(R-3),MD.ASLAM(R-3),MR.M SAHEWALLA(R-3)

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 06-12-2024

Heard Mr. B.J. Talukdar, learned counsel for the petitioner. Also heard and Mr. N .Sarma, learned counsel for the respondents No. 1 and 2 and Mr. G.N. Sahewalla, learned senior counsel assisted by Mr. G. Khandelia, learned counsel for the respondents No. 3 and 4.

By filing this petition, the petitioner has challenged the allotment of shed Nos. 1 & 26 in Industrial Estate, New Bongaigaon in favour of respondents No.3 and 4. Essentially the ground of challenge is to effect that the allotment of industrial sheds which are to be made on the basis of first cum first serve basis, however such policy has not been adhered to.

Mr. G.N. Sahewalla, learned senior counsel for the respondents No. 3 and 4 submits that the policy of first cum first serve basis has been brought into effect on and from 19.06.2017, whereas, the allotment in question is prior to the said policy i.e. on 24.03.2017.

Learned counsel for the petitioner fairly submits that the said policy has infact brought into effect w.e.f. 19.06.2017. However, he submits that since the petitioner has applied for allotment in the year 2016 and during the pendency of the present petition, the authorities have allotted the industrial sheds to other persons without considering his case, the case of the petitioner may be directed to be

considered.

Having heard the submissions made by the learned counsel for the parties and considering that the policy of first cum first serve basis has been brought into effect on and from 19.06.2017, the claim of the petitioner appears to be unfounded.

Considering the above, I am of the view that nothing remains to be adjudicated in the present proceeding.

Accordingly, the present writ petition is closed with liberty to the petitioner to file appropriate application for allotment of the industrial sheds. On filing of such application, the respondent authorities shall consider the case of the petitioner in accordance with the applicable policy and the authorities may also take into account the pending of application for long period as the petitioner had filed the same in the year 2016.

With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant