

GAHC010210932023



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

Case No. : WP(C)/5560/2023

NABA KISHOR DEB
S/O- GABINDA DEB,
R/O- LONGAI ROAD,
WARD NO-3 (NEW),
KARIMGANJ TOWN,
P.O- SETTLEMENT ROAD,
DIST- KARIMGANJ,
PIN-788712

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
HOUSING AND URBAN AFFAIRS
DISPUR, GUWAHATI-06

2:KARIMGANJ MUNICIPAL BOARD
P.O AND DIST- KARIMGANJ
ASSAM

REP. BY ITS CHAIRMAN

3:EXECUTIVE OFFICER
KARIMGANJ MUNICIPAL BOARD

P.O AND DIST- KARIMGANJ
ASSAM

4:DEPUTY COMMISSIONER
KARIMGANJ

P.O AND DIST- KARIMGANJ
ASSAM

5:CIRCLE OFFICER
KARIMGANJ

P.O AND DIST- KARIMGANJ
ASSAM

6:SANJOY KUMAR DAM
S/O- LATE ANIL RANJAN DAM

R/O- LONGAI ROAD

WARD NO 2 (OLD)/ NO-3 (NEW)

KARIMGANJ TOWN

P.O- SETTLEMENT ROAD

DIST- KARIMGANJ

PIN-78871

Advocate for the Petitioner : MR. B K DAS, MR G JALAN,MR H P GUWALA

Advocate for the Respondent : GA, ASSAM, MR. A DHAR (R-2),MR. S BANIK (r-6),SC,
HOUSING AND URBAN AFFAIRS,MR P NAYAK (R-1)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 16.12.2024

Heard Mr. B. K. Das,learned counsel for the petitioner. Also heard Ms. M. Barman, learned counsel for the respondent nos. 1, 3, 4 & 5; Mr. A. Dhar, learned counsel for the respondent no. 2 and Mr. S. Banik, learned counsel for the respondent no. 6.

2. The present writ petition is directed against the respondent state

department as well as the Karimganj Municipal Board official that the complaint dated 12.06.2023 filed by the petitioner against the private respondent no. 6 and his brother seeking demolition of the RCC Building constructed by the private respondent no. 6 on the ground of violation of the building permission dated 16.11.2015.

3. The said complaint petition was kept pending and the authorities did not take any steps in this regard. Hence this writ petition is filed.

4. The counsel for the petitioner has placed an order dated 28.11.2024 passed in the WP(C)/7620/2023. He submits that this court on earlier occasion had directed the same respondents namely, Karimganj Municipal Board to dispose of a complaint filed by the brother of the private respondent no. 6 seeking demolition of the house constructed by the petitioner and this court disposed of the matter directing the municipal board to consider the representation within the period of 45 days from the date of the receipt of the copy.

5. The learned counsel for the petitioner submits that since there is a dispute between the petitioner and the private respondent and his brother, who was the petitioner on WP(C)/7620/2023, the writ petition should be disposed of in similar terms directing the respondent Karimganj Municipal Board to consider and dispose of a complaint petition dated 12.06.2023 and after hearing all these affected parties pass speaking order disposing of the said representation.

6. This submission of the petitioner is not opposed by the counsel of the private respondent as well as counsel for the Court as well as the Government

Advocate. Accordingly, taking into consideration the direction contain in the order dated 28.11.2024 passed in WP(C)/7620/2023 this writ petition also stands disposed of directing the Karimganj Municipal Board and its authorities to consider and hear the complaint petition dated 12.06.2023 filed by the petitioner and upon hearing the affected parties passed appropriate speaking order disposing of the same. This direction as ordered be carried out within the period of 45 days from the date of receipt of the certified copy to be submitted by the writ petitioner.

7. Both the parties namely the writ petitioner and the private respondent no. 6 who is the brother namely Bijoy Krishna Dam against which the complaint has been filed by the writ petitioner shall appear before the Karimganj Municipal Board on 26.12.2024.

8. The writ petition accordingly disposed of.

9. Interim order if any stands merged. Pending IA if any stands dismissed.

JUDGE

Comparing Assistant