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

Case No. : WP(C)/7255/2022

UTPAL NAGAR BHOGARGAON UNNAYAN SAMITY
REP. BY ITS SECRETARY AMIYA KUMAR KALITA, S/O. SRI UPENDRA
CHANDRA KALITA, R/O. SWAHID PATH, KAHILIPARA, P.O. KAHILIPARA,
GUWAHATI-781019, DIST. KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER

KAMRUP (M)
LICHUBAGAN
P.O. HENGERABARI
GUWAHATI-781036.

3:THE COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION
GUWAHATI-781001.

4:THE CHIEF ENGINEER

GUWAHATI MUNICIPAL CORPORATION
GUWAHATI-781001.

5:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE
DISPUR

GUWAHATI-781006.

6:DILIP RAJBONGSHI

S/O. LT. PANESHWAR RAJBONGSHI
R/O. SWAHID PATH
KAHILIPARA ROAD
P.S. DISPUR
GUWAHATI-781019
KAMRUP (M)
ASSAM

For the petitioner (s) : Mr. S.S.S. Rahman, Advocate

For the respondent (s) : Ms. U. Das, Addl. Sr. Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

17.12.2024

Heard Mr. S. S. S. Rahman, the learned counsel appearing on behalf of the petitioner. Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent Nos.1 to 5.

2. The petitioner herein has approached this Court alleging that the respondent No.6 has encroached the width of the road, namely, Swahid Path and thereby narrowed down the same.

3. During the course of hearing, the learned counsel appearing on behalf of the petitioner submitted that the respondent No.6 is

no longer in occupation of the land including the encroachment to the Swahid Path. He, however, submitted that the order so passed by this Court dated 01.04.2019 in WP(C) No.2514/2017 has not yet been complied with.

4. Taking into account that the entire cause of action of the petitioner was on the basis that the respondent No.6 has encroached the Swahid Path and the respondent No.6 is no longer in possession, the entire cause of action of the instant writ petition no longer exists.

5. Accordingly, this Court is not inclined to issue a writ in the instant proceedings.

6. Be that as it may, if the petitioner is aggrieved by any obstruction so caused to the road in question, the petitioner would be at liberty to approach the respondent authorities by filing representation who shall duly take note of such representation in terms with the order so passed by this Court dated 01.04.2019 in WP(C) No.2514/2017.

7. Accordingly, the instant writ petition stands closed.

JUDGE