

GAHC010242002024



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

Case No. : WP(C)/6554/2024

SAMAN ALI SHEIKH
S/O- HAJI KOSIM UDDIN SHEIKH, R/O- KRISHNA NAGAR, WARD NO. 14,
BILASIPARA TOWN, P.O. AND P.S. BILASIPARA, DIST. DHUBRI, ASSAM,
PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, URBAN DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-
06.

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION
DISPUR
GUWAHATI-06.

3:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
P.O.
P.S. AND DIST. DHUBRI
ASSAM
PIN- 783301.

4:THE BILASIPARA MUNICIPAL BOARD
REPRESENTED BY ITS EXECUTIVE OFFICER
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

5:THE CHAIRMAN

BILASIPARA MUNICIPAL BOARD
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348

Advocate for the Petitioner : MR. M HUSSAIN, MR. R I MONDAL, MR A.K. MOLLAH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09.12.2024

Heard Mr. M. Hussain, learned counsel for the petitioner. Also heard Mr. J. Handique, learned counsel appearing for the respondent Nos. 1, 2 and 3.

The writ petition is filed by the petitioner being aggrieved that his representation dated 12.09.2024 and 28.10.2024 filed before the Executive Officer, Bilasipara Municipal Board, Bilasipara praying for allotment of room on the 1st floor in the newly constructed building within the market complex at the Bilashipara Municipal Board.

The petitioner claims to be local resident of Bilasipara under the Bilasipara Municipal Board and is an unemployed youth, therefore in order to sustain himself he sought for a room so that he can setup a business for selling vegetables to sustain the petitioners. Although the representations were duly received in the Office of the Deputy Commissioner, Dhubri, no orders have been passed on the said representations by the concerned authority. Being aggrieved he approached this Court praying for direction to the respondents to consider his case and allot the room at the newly constructed building at the old vegetable market and PAN Bazaar under the Bilasipara Municipal Board.

Upon hearing the counsel for the petitioner and upon perusal of the writ petition along with annexure what is seen that the prayer of the petitioner is limited to disposal of the representation dated 12.09.2024 and 28.10.2024. The representation dated 28.10.2024 is seen to have been received in the Office of the Deputy Commissioner on 28.10.2024.

Mr. J. Handique, learned Government Advocate, submits that the decision, if any, is to be taken by the Municipal Board. Under such circumstances, this Court is of the view that the writ petition can be disposed of at this stage without issuing notice, directing the Bilasipara Municipal Board to consider the prayer made by the petitioner through his representations dated 12.09.2024 and 28.10.2024, and thereafter pass appropriate orders in the said writ petition. If the petitioner is eligible to be allotted a room, his prayer should be considered for due allotment of a room in the newly constructed building at the old vegetable market and PAN Bazaar under the Bilasipara Municipal Board. If, otherwise, as per the rules, the petitioner is not eligible to be allotted, then appropriate orders may be passed thereon. The authority will pass a speaking interim order and serve copies thereof to the petitioner. The petitioner is also at liberty to file copy of the representation dated 28.10.2024 which was filed before the Deputy Commissioner, Dhubri before the Executive Officer, Bilasipara Municipal Board, Bilasipara. The Bilasipara Municipal Board, Bilasipara will thereafter consider the prayer and disposed of the matter within period 30 days from the date of receipt of certified copies of this order.

Accordingly, this writ petition stands closed and disposed of.

JUDGE

Comparing Assistant