

GAHC010246342019



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

**Case No. : WP(C)/7645/2019**

PUTUL PACHANI  
S/O- LT ROBIRAM PACHANI, R/O- WARD NO-2, P.O. MORIGAON, P.S.  
MORIGAON, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, MUNICIPAL  
ADMINISTRATION DEPTT., DISPUR, GHY-06, ASSAM

2:MORIGAON MUNICIPAL BOARD  
MORIGAON  
DIST- MORIGAON  
ASSAM  
PIN- 782105

3:THE CHAIRMAN  
MORIGAON MUNICIPAL BOARD  
MORIGAON  
DIST- MORIGAON  
ASSAM  
PIN- 782105

4:THE CHIEF EXECUTIVE OFFICER  
MORIGAON MUNICIPAL BOARD  
MORIGAON  
DIST- MORIGAON  
ASSAM  
PIN- 78210

**Advocate for the Petitioner : MR DEBA KUMAR DAS, MR. K SINGHA**

**Advocate for the Respondent :** GA, ASSAM, MD. R ALI,MR. A ALAMGEER,MR. A ALAM

**BEFORE  
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**14.11.2024**

1. No one appears for the petitioner on call.
2. Mr. G. Bokalial, learned counsel appears for the respondent No.1.
3. The petitioner's case is that he is running a small grocery shop in the Morigaon daily market complex since 2008. In the year 2016, the daily market was demolished and a new market was constructed. Though the petitioner had applied for allotment of a new room in the new market building on 08.04.2014, the petitioner has not been allotted any rooms in the market.
4. The affidavit of the respondent Nos. 2 to 4 is to the effect that the writ petitioner's application for allotment of room was considered by the Board of Directors along with many other applications. The allotments were made to all the deserving cases and that all the rooms in the said building have been allotted without there being any vacant room as on date.
5. Paragraph 14 of the affidavit-in-opposition filed by the respondent Nos. 2 to 4 states as follows:-

*“**14.** That with regard to the averments made in Paragraph-9 wherein the Writ Petitioner has stated: "11 more than three rooms are still vacant and has not allotted to anybody else and therefore there is no impediment to issue direction to the respondents authorities to allot a shop room to the petitioner in newly*

*constructed Morigaon daily market complex at Morigaon to continue his business---"; the answering deponent most humbly submits that all the rooms have already been allotted and no vacant room is available at present.*

*But, as the Writ Petitioner has been carrying on his business by the side of the Road/passage in the Market from a 'Chali'; so long that space used by the Writ Petitioner is not required for widening the Road/passage for the necessity of the Market or to keep the road/passage wide and free for movement of Fire Tenders in time of emergency, he will be able to carry on his business from that space as he has been doing at present."*

6. In the backdrop of the above facts, it appears that there is no rooms available for allotment in the Morigaon daily market complex and if the petitioner is desirous of pursuing his claim, he would have to implead all the respondents to whom rooms have been allotted in the Morigaon daily market.

7. Mr. R.K. Nath, learned counsel for the petitioner on the last date had prayed for one last chance to communicate with the petitioner and to obtain instructions as to whether the writ petition had become infructuous.

8. As no one appears for the petitioner, it gives rise to an inference that the petitioner is not interested in pursuing the writ petition.

9. The writ petition is accordingly dismissed for non prosecution.

**JUDGE**

**Comparing Assistant**