

GAHC010250502018



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

Case No. : WP(C)/8121/2018

MANIK SARKAR
S/O LATE NIPENDRA CHANDRA SARKAR
R/O WARD NO. 2

SARUPATHAR TOWN

P.O. SARUPATHAR
P.S. SARUPATHAR
DIST. GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

URBAN DEVELOPMENT DEPARTMENT

DISPUR
GUWAHATI -06.

2:THE DIRECTOR OF MUNICIPAL ADMINISTRATION

ASSAM
DISPUR
GUWAHATI -06.

3:THE SARUPATHAR TOWN COMMITTEE

SARUPATHAR

DIST. GOLAGHAT
ASSAM
REP. BY ITS CHAIRMAN.

4:THE CHAIRMAN

SARUPATHAR TOWN COMMITTEE

SARUPATHAR
DIST. GOLAGHAT
ASSAM

5:THE EXECUTIVE OFFICER

SARUPATHAR TOWN COMMITTEE

SARUPATHAR
DIST. GOLAGHAT
ASSAM

PIN - 785601.

Advocate for : MR. B BORA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.08.2024

The instant writ petition has been filed by the petitioner challenging the letter dated 03.10.2018 issued vide Memo No. SNS/28/99-2000/3008, dated 03.10.2018, by respondent No. 5 whereby, the allotment of the shop made in favour of the petitioner has been cancelled along with the trade licence.

2. I have heard Mr. B. Bora, the learned counsel appearing on behalf of the petitioner and Ms. U. Das, learned Additional Senior Government

Advocate for the respondent Nos. 1 and 2. None has appeared on behalf of respondent Nos. 3, 4 and 5 on call.

3. This Court has duly taken note of the submission made by the learned counsel appearing on behalf of the petitioner that the impugned order, dated 03.10.2018, was passed without giving any reasonable opportunity to the petitioner and as such, the said impugned order is required to be interfered with. It is also seen from the records that when the instant writ petition was filed, this Court by an order dated 28.11.2018, had stayed the said order and thereupon the respondent No. 5 had issued a communication, thereby permitting the petitioner to run his allotted Room No. New 29 of Sarupathar Daily Market.

4. Taking into account that the impugned communication dated 03.10.2018, was passed without giving any opportunity to the petitioner, this Court, therefore, interferes with the communication dated 03.10.2018, whereby the petitioner's agreement was cancelled as well as his trade license. The said order dated 03.10.2018, therefore, stands set aside and quashed.

5. Before parting with the record, this Court, however, observes that if there is any violation on the part of the petitioner to the clauses of agreement, the respondent authorities, more particularly, the respondent Nos. 3, 4 and 5 would be at liberty to take action against the petitioner by issuing a show cause.

6. With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant