

GAHC010289082023



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

Case No. : I.A.(Civil)/3887/2023

AMERANDRA KUMAR SARMA
S/O - SRI SURENDRA NATH SARMA R/O- VILL- KHARGHULI, HOUSE NO-
35 DR. BHUPEN HAZARIKA PATH P.O- KHARGHULI P.S- LATASIL,
GUWAHATI-04 DIST- KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY GUWAHATI
DEVELOPMENT DEPTT. 2ND FLOOR, BLOCK D, GOVT. OF ASSAM, ASSAM
SECRETARY (CIVIL), DISPUR, PIN- 781006

2:THE COMMISSIONER GUWAHATI MUNICIPAL CORPORATION (GMC)
PANBAZAR
KAMRUP (M)
GUWAHATI- 01.

3:THE DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI -01.

4:SMTI KALPANA MAHANTA

W/O SRI DILIP KUMAR MAHANTA
H/NO.18
KHARGHULI
1ST LEFT BYE LANE
DR. BHUPEN HAZARIKA PATH
GUWAHATI
THE PROPRIETOR OF M/S KALPANA STORE
KHARGHULI
GUWAHATI

ASSAM
PIN 781004

Advocate for the Petitioner : MR. S J SARMAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08-01-2024

Heard Mr. S.J. Sarmah, learned counsel for the applicant-writ petitioner; Ms. S. Chutia, learned counsel representing Mr. P. Nayak, learned Standing Counsel, GDD & GMC for the opposite party nos. 1 & 2; and Ms. M. Barman, learned Junior Government Advocate, Assam for the opposite party no. 3.

The instant interlocutory application has been preferred by the applicant-writ petitioner seeking impleadment of the following person :

Smti. Kalpana Mahanta
Wife of Sri Kilip Kumar Mahanata,
House no. 18, Kharghuli, 1st Left By Lane,
Dr. Bhupen Hazarika Path, Guwahati,
Proprietor of M/s Kalpana Store, Kharghuli,
Guwahati, Assam

- as party-respondent no. 4 in the connected writ petition. The applicant as the writ petitioner, has preferred the connected writ petition alleging inter alia that one shop has been illegally constructed by the proposed party-respondent by encroaching the road at the corner of 1st Bye-Lane of Dr. Bhupen Hazarika

Path at Kharghuli, Guwahati. The applicant-petitioner has preferred the writ petition seeking inter alia a direction to the respondent authorities to remove the said shop. The applicant in the instant interlocutory application has been averred that the proposed party-respondent has been running the said alleged illegally constructed shop and, as such, the presence of the proposed party-respondent in the connected writ petition as a party-respondent is necessary.

The learned counsel appearing for the opposite parties have submitted that they have no objection if the instant interlocutory application is allowed.

In view of the statements and averments made in the afore-stated manner that it is the proposed party-respondent who has constructed the shop illegally and has been running the same thereafter, the instant interlocutory application is allowed, as the presence of the proposed party-respondent is found necessary for the purpose of adjudication of the issues involved in the connected writ petition.

The office shall make necessary corrections in the Cause-Title of the connected writ petition, W.P.[C] no. 2839/2023 on submission of an amended Cause-title in terms of the Notification no. 79 dated 19.06.2023 by the learned counsel for the petitioner within 2 [two] days from today and thereafter, list the connected writ petition in the next week.

JUDGE

Comparing Assistant