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2026:GAU-AS:16337

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

Case No. : WP(C)/2479/2026

MILANJYOTI SANGHA AND 4 ORS
A REGISTERED SOCIETY UNDER THE SOCIETIES REGULATION ACT, HAVING REGISTRATION NO. RS/KAM(M)02/263/419 OF 2022-2023, HAVING ITS OFFICE AT MALIGAON, EAST GOSHALA, KATIBIHU FIELD, P.S. JALUKBARI, DISTRICT- KAMRUP(M), ASSAM, REPRESENTED BY ITS SECRETARY SRI PRADIP SARMA, AGED 62 YEARS, S/O SRI CHANDAR SARMA

2: ANANTA BORUAH
S/O SUREN BORUAH. R/O KALYAN NAGAR
JAYANAGAR
WARD NO. 12
GUWAHATI MUNICIPALITY CORPORATION
P.O. MALIGAON P.S.- JALUKBARI
DISTRICT- KAMRUP(M)
ASSAM

3: AVIK JOORDAR
S/O A.K. JOORDAR
R/O KALYAN NAGAR
JAYANAGAR
WARD NO. 12
GUWAHATI MUNICIPALITY CORPORATION
P.O. MALIGAON P.S.- JALUKBARI
DISTRICT- KAMRUP(M)
ASSAM

4: DULAL SARMA
S/O PALINDRA SARMA
R/O KALYAN NAGAR
JAYANAGAR
WARD NO. 12
GUWAHATI MUNICIPALITY CORPORATION
P.O. MALIGAON P.S.- JALUKBARI

DISTRICT- KAMRUP(M)
ASSAM

5: MANORANJAN DEKA
S/O KRISHNA DEKA (PRESIDENT OF MILANJYOTI SANGHA)
R/O KALYAN NAGAR
JAYANAGAR
WARD NO. 12
GUWAHATI MUNICIPALITY CORPORATION
P.O. MALIGAON P.S.- JALUKBARI
DISTRICT- KAMRUP(M)
ASSA

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE GENERAL MANAGER, NORTHEAST FRONTIER RAILWAY, MALIGAON, GUWAHATI- 781011

2:DISTRICT COMMISSIONER
DISTRICT- KAMRUP(M)
ASSAM

3:THE COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
GUWAHATI
KAMRUP(M)
ASSAM

4:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (PWD)
ASSAM

5:SMTI ARCHANA DAS
WARD COUNCILLOR
WARD NO. 9
GUWAHATI MUNICIPAL CORPORATION
W/O MR. RANJIT DAS
PUB GOSHALA
JAYANAGAR SHIBA MANDIR
P.O. MALIGAON
DISTRICT- KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. R SARMA, A H CHOUDHURY,D SARMA

Advocate for the Respondent : DY.S.G.I., MR. J HATIMURIA(R5),MR. N M DAS(R5),MR. M KALITA(R5),MS. B SARMA(C.G.C.)R1,GA, ASSAM,SC, PWD,SC, GMC

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

06-11-2026

1. Heard Mr. R. Sarma, learned counsel for the petitioners and Ms. B. Sarma, learned Central Government Counsel for the respondent No. 1. Also heard Mr. P. Nayak, learned Additional Advocate General, Assam for the respondent Nos. 2, 3 & 4 and Mr. J. Hatimuria, learned counsel for the respondent No.5.

2. The instant writ petition has been preferred under the aegis of the petitioner No. 1, which is a registered society under the Societies Registration Act, 1860, wherein the petitioners are the members.

3. The cause espoused by the petitioners is that a public playground, commonly known as "Kati Bihu Field" at Maligaon, Guwahati, within the Ward No. 12 of the Guwahati Municipal Corporation (GMC), has been used for community activities since long, and the said vacant plot of land belongs to the respondent Northeastern Railways.

4. The grievance of the petitioners is that the respondent No. 5, who is the Ward Commissioner of Ward No. 9 under the GMC, has facilitated certain construction activities for an auditorium-cum- community hall in the said vacant plot of land belonging to the Northeastern Railways.

5. The petitioners have filed representations before the respondent Nos. 1 & 4 against the construction activities, which according to the petitioners is illegal;

however, when nothing was forthcoming, they approached this Court.

6. Mr. Nayak, learned Additional Advocate General, Assam, submits that the GMC, in order to benefit the local communities and the residents, decided to have an auditorium-cum-community hall. The railways approved the land. The foundation of the said auditorium was laid down on 23.02.2026 by the Hon'ble Chief Minister of Assam, in the presence of the Mayor of the GMC and the concerned Ward Member.

7. It is also submitted by the learned counsel representing the Northeastern Railways that the Northeastern Railways has also supported such construction and facilitated the construction by providing the land. The said construction was inaugurated by the Mayor and the Ward Member on 09.06.2026.

8. In view of the aforesaid, this Court is of the opinion that since the petitioners admit that the land belongs to the Northeastern Railways and that there is no dispute that the aforesaid construction has been carried out for the public purposes, this Court will not be inclined to interfere with such a decision, more particularly, in the given admitted position that the petitioners do not have any right whatsoever over the aforesaid land and the project is for general benefit of public.

9. A writ Court in exercise of its power of judicial review shall generally not interfere with such a policy decision of the Government and developmental work to construct a community hall for the larger benefit of public, in the absence of any palpable arbitrariness, which is not found in the present case, except the argument of the petitioners that there is alternative land and this is the only field for the local communities. The decision of the executive in choosing an area for a development work cannot be interfered under Article 226 of the Constitution of India by a Writ Court substituting its own decision, nor

availability of alternative land can be a ground for such interference.

10. Accordingly, this Court finds no merit in this present writ petition, and the same stands dismissed.

JUDGE

Comparing Assistant