GAHC010180922026

2026:GAU-AS:14996

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

Case No. : WP(C)/4743/2026

DR NEELAKSHI SARMA
W/O LATE HARPRIT SINGH, R/O. HOUSE NO. 62, SOLAPARA ROAD, P.S. P.O. PALTAN BAZAR, GHY-781008, KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF HOUSING URBAN AFFAIRS, DISPUR, GUWAHATI - 781006.

2:THE GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY THE COMMISSIONER
BEHIND MANIRAM DEWAN TRADE CENTER
BETKUCHI
GUWAHATI-781035
KAMRUP M
ASSAM.

3:COMMISSIONER OF GUWAHATI MUNICIPAL CORPORATION
BETKUCHI
GUWAHATI-781035
KAMRUP M
ASSAM

4:DEPUTY COMMISSIONER
KAMRUP METROPOLITAN
RUPNAGAR
GUWAHATI-781032.

5:SRI KUSHAL KALITA
S/O. LATE MAHINDRA KALITA

R/O. SHANTI NAGAR
P.O. FOREST GATE
P.S. NOONMATI
MATHGHARIA
KAMRUPM
ASSAM
GUWAHATI-78102

Advocate for the Petitioner : MR. B CHAKRABORTY, MR. S P BHATTACHARJEE,MRS P HAZARIKA,MR R K SAHA,MS A KHASNOBISH,S SINGH

Advocate for the Respondent : GA, ASSAM, SC, GMC

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

07.10.2026

1. Heard Mr. B. Chakraborty, learned counsel for the petitioner. Also heard Mr. S. Das, learned Standing counsel, Guwahati Municipal Corporation (GMC, in short) and Mr. N. Das, learned State counsel for the respondents.

2. As agreed to by the learned counsel for the parties, without issuing notice to the respondent No.5, this Court proposes to dispose of the writ petition at the motion stage itself taking note of the limited prayer that is made in this writ petition.

3. The present writ petition is filed alleging unauthorized encroachment upon a portion of the public road and entrance to the petitioner's residence by the respondent No.5, who is operating a roadside food stall without a valid licence, permission and authorisation from the competent authority.

4. It is the case of the petitioner that she filed a detailed representation on 11.10.2025 before the Commissioner, GMC specifically bringing to the notice of the said authority, the illegal encroachment and activities of the respondent No. 5. However, no effective action has been taken for removal of the encroachment.

5. Mr. Bora, learned Standing counsel, GMC, in his usual fairness submits that the authorities are duty bound to look into the grievance raised by a citizen so far it relates to the encroachment of public properties, without following any due procedure of law.

6. Therefore, he submits that the matter may be relegated back to the Commissioner, GMC to take a decision in a time bound manner.

7. This Court is also of the opinion that when a citizen raises his/her grievance, the same should be considered and an effective action is to be taken as per the law. However, at the same time, the case of the respondent No. 5 is also required to be considered.

8. Be that as it may, taking note of the aforesaid, the present writ petition is disposed of by directing the Commissioner, GMC to consider the representation filed by the petitioner on 11.10.2025 and take a necessary measure as permissible under the law.

9. In the event, any adverse action is sought to be carried out against the respondent No.5, a notice may be issued as per law and procedure laid down.

10. It is provided that the petitioner may file a fresh representation along with a copy of the order passed today. Such representation shall be filed within a period of **15(fifteen) days** from today. On receipt of such

representation, the Commissioner, GMC shall do the needful in this regard and as permissible under the law within a period of **2 (two) months** thereafter.

11. With the aforesaid, this writ petition stands disposed of.

JUDGE

Comparing Assistant