

GAHC010212122023



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

Case No. : WP(C)/5501/2023

LUITPAR BUILDERS AND DEVELOPERS PVT. LTD.
REP. BY NIRUPAMA SAIKIA, HONORARY DIRECTOR, AGED ABOUT 66 YRS,

REGD. OFFICE, HOUSE NO- 7, DEBADARU PATH, DISPUR, GUWAHATI-06,
DIST- KAMRUP (M), ASSAM

VERSUS

CHAIRMAN GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
AND 2 ORS.
BHANGAGARH, GUWAHATI-05

2:CHIEF EXECUTIVE OFFICER
GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
BHANGAGARH
GUIWAHATI-05

3:COMMISSIONER
GUWAHATI MUNICIPAL CORPORATION
GUWAHATI
ASSA

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : SC, G M D A

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

04-01-2024

Heard Ms. N. Saikia appearing in person for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department and Shri P. Nayak, learned Standing Counsel, GMC & GMDA.

A short controversy is involved in this writ petition.

To put in briefly, the petitioner claims to have purchased a plot of land covered by Dag No. 16 of KP Patta No. 8 of village No. 2 Khanapara under Mouza-Beltola. Though building permission was sought for and the GMDA on such application had also given opinion that the area is residential in nature, the constructions were not proceeded with. Thereafter a new application was made.

According to the petitioner, the earlier Dag No. 16 has now been numbered as 162. The issue involved is the non-consideration of the building permission on the ground that Dag No. 162 is in the eco-friendly zone.

Ms. Saikia has also referred to number of documents to support her claim.

On the other hand, Shri Nayak, the learned Standing Counsel, of GMDA/GMC has submitted that new Dag No. 162 is connected with the earlier Dag No. 26 which was an eco-friendly zone and therefore there is no change in the classification of the land. He also raised an issue that the land under possession and the Dag numbers are not matching. The issue however can be resolved by a clarification from the Revenue Department.

Ms. Hazarika, the learned Standing Counsel has in fact referred to a communication dated 07.12.2023 in this regard. She however prays for some more time to obtain instructions on the issue as referred above.

As agreed to by the parties, list this case on **11.01.2024** on which date, necessary instructions may be obtained by the learned Standing Counsel, Revenue

Department.

Let a copy of this order be furnished to Ms. Hazarika, the learned Standing Counsel, Revenue Department during the course of the day.

JUDGE

Comparing Assistant