

WP(C) 2015/2012
BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

Heard Mr. SP Roy, learned counsel for the petitioner. Also heard Ms. M Hazarika, learned counsel appearing for the GMDA.

The two writ petitions are being disposed off by this common order.

The subject matter in issue in these writ petitions is with regard to the show cause notices dated 30.03.2012, issued to the petitioners. The notices ask the petitioners why the portion of the building, which was allegedly constructed on a water body, should not be demolished.

The petitioners, without filing any reply to the show cause notice dated 30.03.2012, have straight away approached this Court.

This Court is of the view that the petitioners could not have directly approached this Court, as the petitioners had the opportunity of being heard by replying to the notice dated 30.03.2012. The alternative remedy being available, this Court cannot allow the petitioners to come directly to the Court.

In that view of the matter, these writ petitions are dismissed in view of their being an alternative remedy being available.

The writ petitioners are given the liberty to file their reply to the show cause notice dated 30.03.2012 within a period of 3 (three) weeks from today.

Thereafter, the GMDA shall dispose off the reply of the petitioners' within a further period of 3 (three) weeks. It is made clear that no demolition of the building in question shall take place till a decision is taken by the authorities, provided, the petitioners file their replies to the show cause notices dated 30.03.2012, within the stipulated time period given above.

Writ petitions stands disposed off accordingly.