

GAHC010098182024



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

Case No. :WP(C) 1193/2024

CHANCHAL RANJAN DUTTA AND 27 ORS
AGED ABOUT 53 YEARS
SON OF LATE ANANDA MOHAN DUTTA
LANKA SANTI PARA
WARD NO-9
P.O AND P.S- LANKA
DIST- HOJAI
PIN- 782446
ASSAM

2: NIRMAL CHANDRA MAZUMDAR
AGED ABOUT 57 YEARS
SON OF LATE KANAI LAL MAZUMDAR
RESIDENT OF PANJABI BASTI
P.O AND P.S - LANKA
DIST- HOJAI
PIN NO.- 782446
ASSAM

3: ALAL UDDIN
AGED ABOUT 66 YEARS
SON OF SALIM UDDIN
RESIDENT OF VILLAGE- SAMBORIA
P.O AND P.S- LANKA DIST-HOJAI
PIN.NO-782446 ASSAM

4: NITTA LAL SAHA
AGED ABOUT 53 YEARS
SON OF LATE BHOBIA RANJAN SAHA
RESIDENT OF ADARSA PALLY
WARD NO-6 P.O AND P.S- LANKA
DIST- HOJAI
PIN NO.- 782446
ASSAM

5: RATAN SAHA
AGED ABOUT 48 YEARS
SON OF LATE NITAI SAHA
RESIDENT OF NIBEDITA LANE
WARD NO-9
P.O AND P.S-LANKA

DIST-HOJAI
PIN-782446

ASSAM

6: JIBAN DHAR
AGED ABOUT 47 YEARS

SON OF LATE BIRENDRA DHAR

RESIDENT OF LANKESWRI GRANT

WARD NO-6
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

7: RAJU SHILL
AGED ABOUT 38 YEARS

SON OF LATE NITAI SHILL

GOBINDA POLLY
WARD NO-8
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

8: DRUPADI BISWAS
AGED ABOUT 51 YEARS

COW MARKET
WARD NO-9

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

9: RAJU CHANDRA DUTTA
AGED ABOUT 42 YEARS

SON OF KHOGENDRA DUTTA

NETAJI ROAD
WARD NO-9
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

10: ROBI SHILL
AGED ABOUT 43 YEARS

SON OF LATE NITAI SHILL

GOBINDA POLLY
WARD NO-8

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

11: TAPAN DHAR
AGED ABOUT 48 YEARS

SON OF LATE BIRENDRA DHAR

LANKESWARI GRANT
WARD NO-6
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

12: SMTI. BHARATI CHANDA
DAUGHTER OF BIPUL CHANDA

ASEB COLONY
WARD NO-1

P.O AND P.S- LANKA
DIST- HOJAI
PIN-782446
ASSAM

13: SWAPAN CHANDA
AGED ABOUT 58 YEARS

SON OF LATE SUDHIR CHANDRA CHANDA

NAMGHAR ROAD
WARD NO-6

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

14: NIPAN DEB
AGED ABOUT 30 YEARS

SON OF NIKHIL DEB

RUPNAGAR
WARD NO-2
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

15: JAKIR HUSSAIN
AGED ABOUT 33 YEARS

SON OF AFAZ UDDIN
SIMLAI PATHAR

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

16: ANUP SANA
AGED BOUT 58 YEARS

SON OF LATE BIRAJ MOHAN SAHA

SWARUPANANDA ROAD

WARD NO-6
P.O AND P.S- LANKA
DIST- HOJAI
PIN-782446
ASSAM

17: AMAR CHANDA
AGED ABOUT 54 YEARS

SON OF LATE PRASANA CHANDA

PASCHIM LANKA GAON
BALUHADAR G.P
WARD NO-9

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

18: AIBUR RAHMAN
AGED ABOUT 46 YEARS

SON OF MANIR UDDIN

DABLONG
P.O AND P.S- LANKA

DIST- HOJAI
PIN-782446
ASSAM

19: NARAYAN BISWAS
AGED ABOUT 52 YEARS

SON OF BICHITRA BISWAS

JOYTI NAGAR
WARD NO-10

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

20: NIMAI DAS
SON OF SRIBASH DAS

PIPAL PUKHURI NO-2
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

21: BENU CHANDA
AGED ABOUT 66 YEARS

SON OF LATE BAKUL CHANDA

LANKA GAON
WARD NO-10
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

22: BISWAJIT NATH
AGED ABOUT 38 YEARS

SON OF BIMOL NATH

AZARBARI (BISHNUOPUR)
P.O AND P.S- LANKA

DIST- HOJAI
PIN-782446
ASSAM

23: BAPAN DAS
AGED ABOUT 47 YEARS

SON OF NARENDRA DAS

LANKA GAON

P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

24: PRANAB DAS
AGED ABOUT 43 YEARS

SON OF LATE NORESH DAS
PASCHIM LANKA GAON
(GOBINDA PALLY)
P.O AND P.S- LANKA
DIST- HOJAI

PIN-782446
ASSAM

25: MONISH CHOKROBARTY
AGED ABOUT 41 YEARS

LANKA
P.O AND P.S- LANKA

DIST- HOJAI

PIN-782446
ASSAM

26: MITHUN MAZUMDAR
AGED ABOUT 38 YEARS

SON OF LATE RADHESHYAM MAZUMDAR
PASCHIM LANKA GAON
(GOVINDA PALLY)
P.O AND P.S- LANKA

DIST- HOJAI
PIN-782446
ASSAM

27: SETAN DEY
AGED ABOUT 60 YEARS

SON OF LATE KHIROD DEY
RUPNAGAR
WARD NO-2

P.O AND P.S- LANKA

DIST- HOJAI

PIN-782446
ASSAM

28: MD. GAZIBUR RAHMAN
SON OF LATE ABDUL MAZID

PASCHIM LANKA GAON
NOTUN BASTI
WARD NO-7
P.O AND P.S- LANKA

DIST- HOJAI

PIN-782446
ASSAM
VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
URBAN DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006

2:THE DIRECTOR OF MUNICIPAL-ADMINISTRATION
ASSAM SECRETARIAT COMPLEX

DISPUR
GUWAHATI- 781006
3:THE DEPUTY COMMISSIONER
HOJAI
DIST-HOJAI
PIN-782442. ASSAM
4:SUB DEPUTY COLLECTOR
LANKA CIRCLE CUM OFFICER-IN-CHARGE
LANKA MUNICIPAL BOARD
P.O- LANKA
P.S- LANKA

PIN- 782446
DIST- HOJAI
ASSAM
5:THE CHAIRMAN
LANKA MUNICIPAL BOARD
P.O. LANKA

PIN- 782446

DIST- HOJAI
ASSAM
6:SUB-DIVISIONAL OFFICER (CIVIL)
HOJAI
DIST-HOJAI

PIN- 782446
ASSAM

Advocate for : MR M CHANDA
Advocate for : SC
U D D appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 29.05.2024

Heard Mr. S. Choudhury, learned counsel for the petitioners and Mr. K. Gogoi, learned counsel for the respondent Nos. 2, 3, 4 & 6. Also heard Ms. R. M. Baruah, learned counsel on behalf of Mr. P. Nayak, learned counsel for the respondent No. 1. No one appears for the respondent No. 5 even though notice was issued to the respondent No. 5 on 22.03.2024.

2. The petitioners' case is that the petitioners have been running their permanent wholesale raw vegetable business in their individual vitas/rooms in the Lanka Wholesale Vegetable Market in temporary tin sheds. However, the Lanka Municipal Board constructed a concrete building for running the Lanka Wholesale Vegetable Market.

3. The petitioners' grievance is that the Lanka Municipal Board has been collecting money from the businessman for allotment of the vitas/rooms in the new concrete building completed in the month of August/September, 2023.

4. The petitioner's counsel submits that the Lanka Municipal Board collected Rs. 5 Lakhs from various persons for distribution of forms for allotment of vitas/rooms in the new building, instead of allotting the vitas/rooms to the petitioners. He submits that the petitioners have submitted a representation dated 02.11.2023 to the Chairman, Lanka Municipal Board, Lanka, Hojai, praying for allotting vitas/rooms to the petitioners, as they have been doing day to day business for more than 20 years. He submits that the writ petition can be disposed of if the respondent No. 5 takes a decision on the representation dated 02.11.2023, within a specified time period.

5. Mr. K. Gogoi, learned counsel for the respondent Nos. 2, 3, 4 & 6 and Ms. R. M. Baruah, learned counsel on behalf of Mr. P. Nayak, learned counsel for the respondent No. 1 submit that they have got no objection to the prayer made by the petitioner's counsel.

6. In view of the consent of the parties, the respondent No. 5 is directed to take a decision on the petitioners' representation dated 02.11.2023, within a period of one month from the date of receipt of a copy of this order. The decision taken should thereafter be communicated to the petitioners.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant