
(1992) 07 GAU CK 0005
In the Gauhati High Court
Case No : Civil Rule No. 905 of 1992

Satya Narayan Jha

APPELLANT

Vs

Guwahati Municipal Corporation

RESPONDENT

Date of Decision : 24-07-1992

Acts Referred:

Citation : (2000) 3 GLJ 106

Hon'ble Judges : U.L.Bhat, C.J. and M.Sharma, J

Bench : Division Bench

Advocate : A.B.Choudhary, S.Dutta, B.K.Jain, B.K.Chetri, A.K.Maheswari,
Advocates appearing for Parties

Judgement

U. L. Bhat, C. J.

1. Petitioner states that he took a shop belonging to Puspa Bajaj on rent about 8 years ago and since then been in possession of the premises paying rent to the landlord and after her death rent was paid to her soninlaw till he refused to accept it. Subsequently petitioner has been depositing the rent in Court. The officers of the 1st respondent, Guwahati Municipal Corporation came and sealed the shop room. On enquiry he was told that two earlier notices of the Corporation were issued to him. According to petitioner, notices was received by somebody personating him. On 9.1.92 he submitted an application to issue licence and prayed that the seal put on the room may f removed. Since his request has not been granted, he has filed this writ petition seeking to quash the notices dated 10.10.90 and 22.1.91 and seek a direction to the respondent to grant licence.

2. Admittedly petitioner was conducting trade without a licence issued in his favour by the Corporation. The Corporation took action against the petitioner for conducting trade without licence and without paying licence fees. One of the questions arising for consideration is whether the Corporation has power to seal the room. The other question arising for consideration relates to failure of the Corporation to act on the petitioner's application dated 9.1.92. Learned counsel

for the 1st respondent submitted that the Corporation is prepared to grant a licence to the petitioner if he pays the entire arrears of licence fee and current licence fee. This submission is recorded.

3. The writ petition is disposed of directing that on the petitioner submitting a fresh application and on paying the arrears of licence fee and current licence fee, 1st respondent shall issue licence to the petitioner and simultaneously remove the seal fixed on the shop. The 1st respondent Corporation will take action within one week from the date when the deposit is made.