

GAHC010029592021



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

**Case No. : PIL/17/2021**

ARINDAM DEB AND 3 ORS  
S/O LATE ANIL KUMAR DEB, R/O HOUSE NO-109, SHAHID HITESWAR  
BISWAS ROAD, AMBIKAPATTY, SILCHAR, DIST-CACHAR, ASSAM-788004

2: BISWAJIT DAS  
S/O LATE RATHINDRA CHANDRA DAS  
R/O SHIB BARI LANE  
VIBEKANANDA ROAD  
SILCHAR  
DIST-CACHAR  
ASSAM-788004

3: MRINAL KANTI SHOME  
S/O LATE MAKHAN LAL SHOME  
R/O LANE NO. 13  
HOUSE NO.18  
FIRST LINK ROAD  
SILCHAR  
DIST-CACHAR  
ASSAM-788006

4: AJOY KUMAR ROY  
S/O LATE AJIT KR. ROY  
R/O HOUSE NO. 3  
KAMALA ROAD  
SILCHAR  
DIST-CACHAR  
ASSAM-78800

VERSUS

THE STATE OF ASSAM AND 10 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, URBAN  
DEVELOPMENT DEPARTMENT, SACHIVALAYA, DISPUR, GUWAHATI-6

2:THE DIRECTOR  
MUNICIPAL ADMINISTRATION  
ASSAM  
DISPUR  
GUWAHATI-781006

3:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM  
URBAN DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-6

4:THE SILCHAR MUNICIPAL BOARD  
REPRESENTED BY EXECUTIVE OFFICER  
HAVING ITS OFFICE AT SADARGHAT ROAD  
SILCHAR  
DIST-CACHAR  
ASSAM  
PIN-788001

5:THE EXECUTIVE OFFICER  
SILCHAR MUNICIPAL BOARD  
SADARGHAT ROAD  
SILCHAR  
DIST-CACHAR  
ASSAM  
PIN-788001

6:THE DEPUTY COMMISSIONER  
CACHAR  
SILCHAR  
SADARGHAT  
SILCHAR-788001

7:THE ADDITIONAL DEPUTY COMMISSIONER  
CACHAR  
SILCHAR  
SADARGHAT  
SILCHAR-788001

8:THE DIRECTOR  
TOWN AND COUNTRY PLANNING  
ASSAM  
DISPUR  
GUWAHATI-781006

9:ASSAM PROGRESSIVE DEVELOPERS LIMITED  
REPRESENTED BY ITS MANAGING DIRECTOR SRI PARTHA SARATHI

CHOUDHURY HAVING ITS REGISTERED OFFICE AT N.S. AVENUE  
SILCHAR-788005

10:PARTHA SARATHI CHOUDHURY  
S/O LATE PRAN GOPA CHOUDHURY  
R/O SHIVALIK PARK  
MEHERPUR  
P.O. AND P.S.-SILCHAR  
DIST-CACHAR  
ASSAM SILCHAR-788015

11:SILCHAR DEVELOPMENT AUTHORITY.  
SILCHAR

For the petitioners : Mr. S. Borthakur, Advocate  
For the respondents : Mr. S. Dutta, Sr. Advocate  
Assisted by Ms. K. Borah, Advocate  
Mr. M. Goswami, Sr. Advocate  
(through Video-conferencing)  
Mr. R. Singha, Advocate  
Ms. R.B. Bora,  
Jr. Govt. Advocate, Assam

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**

**HON'BLE MR. JUSTICE SUMAN SHYAM**

**24-10-2024**

*(Vijay Bishnoi, C.J.)*

This PIL petition is filed by the petitioners essentially being aggrieved with the decision of the Silchar Municipal Board allowing the private respondent Assam Progressive Developers Limited to set up an amusement park in the Gandhibag Park managed by the Silchar Municipal Board. The petitioners have raised a grievance that with the set up of the amusement park in the Gandhibag Park, the nature of the park would be changed and it may be detrimental to the

general public of the Silchar city. The petitioners have contended that certain irregularities and illegalities have been committed by the Silchar Municipal Board while granting permission to the private respondents to set up the amusement park in the Gandhibag park.

The said contention is opposed by the private respondents as well as the Silchar Municipal Board. However, looking into the nature of the controversy involved, this Court vide order dated 30.05.2024 has directed the State to clarify its stand in respect of the controversy involved. Thereafter, further opportunity has also been granted to the State to clarify its stand. Pursuant to that, an additional affidavit is filed on behalf of the Additional Secretary to the Government of Assam, Department of Housing and Urban Affairs, Secretary to the Government of Assam, Urban Development Department and Joint Secretary to the Government of Assam, Urban Development Department.

Having gone through the said affidavit filed on 05.09.2024, we are of the view that instead of clarifying the stand of the State Government, the deponent has simply mentioned certain facts which are already brought on record by the respective parties. It is a very sorry state of affairs that when this Court has directed the State Government to clarify its stand on the issue raised, an additional affidavit is filed on behalf of the State in a very casual manner. It is a serious matter where the authorities are taking the orders of this Court lightly or in a casual manner. On a pointed query made by us, learned counsel for the State has failed to satisfy this Court and also has not been able to clarify the stand of the State Government.

Hence, we are left only with the option to direct the State Government to file an elaborate affidavit to clarify its stand by the next date of hearing. We make it clear that if the State fails to clarify its stand on the issue, this Court will

be forced to summon the Secretaries of the respective departments to appear before this Court.

List the matter as and when this Bench is next available.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**