

HIGH COURT FORM NO. (J)13
Form of Order Sheet

DISTRICTS : SONITPUR
IN THE COURT OF CIVIL JUDGE, SONITPUR AT TEZPUR

T.S No. 68 OF 2022

Sri Suresh Kr. Saraf -Vs- Smti. Shakuntala Saraf & Ors.

Sl. No. of Orders	Date	Order	Signature
	<u>20-12-2022</u>	<p>Plaint filed, checked and verified. Registered as Title Suit.</p> <p>The plaint is supported by an affidavit. Plaintiff filed the original plaint along with an additional copy of the plaint and also the copies of the relevant documents.</p> <p>Heard Ld. counsels for the plaintiff.</p> <p>On perusal of the C/R, it appears that the suit is filed by the plaintiff against 8 Nos. of defendants among whom defendant No.7 is the Chairman, Tezpur Development Authority, Sonitpur, Tezpur and defendant No.8 is the Sub-Committee on Zoning Appeal, Tezpur Development Authority, Sonitpur, Tezpur.</p> <p>Here the plaintiff is aggrieved by the notice dated 06-12-2022, issued by defendant No. 7 and 8 under the Assam Town and Country Planning Act, along with some other</p>	

grievances. However, according to section 60 of Assam Town and Country Planning Act,

60. Bar to suits and prosecutions in certain cases: (1) No suit, prosecution or other proceeding shall lie against an Authority or any officer or servant thereof or any person acting under their direction or any Government Officer or servant employed for the purposes of this Act for anything which is in good faith done in pursuance of this Act or any rules made thereunder.

Thus this suit is barred under section 60 (1) of Assam Town and Country Planning Act.

Again according to section 60(2) Assam Town and Country Planning Act:

60. Bar to suits and prosecutions in certain cases:

(1)...

(2) No suit, Prosecution or other proceeding shall lie against any officer or servant of the authority or any Government Officer or servant employed for the purposes of this Act for anything done under this Act:

(a) unless the previous sanction of the State Government has been obtained; and

(b) until the expiration of two months after notice in writing has been given to the person to be sued, clearly stating the cause of action, and the nature of relief sought, etc.

On perusal of the C/R, it appears that the plaintiff has not served any notice upon defendant No.7 and 8 as required by section 60(2)(b) of Assam Town and Country Planning Act. **Thus, the suit is also**

barred by law due to absence of 2 months prior notice as prescribed by section 60(2)(b) of Assam Town and Country Planning Act.

From the discussion of the forgoing paragraph, it appears that the **suit of the plaintiff is barred by law, hence the plaint is rejected u/O. VII r.11(d) of CPC.**

The suit is disposed of accordingly.

Civil Judge
Sonitpur, Tezpur