

GAHC010228902021



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

Case No. : PIL/1/2022

ANITA VERMA
D/O SRI BALKRISHAN VERMA, RESIDENT OF HOUSE NO. 23, PRATIKSHA
KHARGHULI RIVERSIDE, GUWAHATI 781004, DIST KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY ITS CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI 781006, ASSAM

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS (ERSTWHILE THE
URBAN DEVELOPMENT DEPARTMENT) DISPUR
GUWAHATI 781006
ASSAM

3:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS (ERSTWHILE THE
URBAN DEVELOPMENT DEPARTMENT) DISPUR
GUWAHATI 781006
ASSAM

4:THE ASSAM REAL ESTATE REGULATORY AUTHORITY
REPRESENTED BY ITS REGISTRAR
JAWAHAR NAGAR 37
GUWAHATI 781022
KAMRUP M ASSAM

5:THE CHAIRPERSON

ASSAM REAL ESTATE REGULATORY AUTHORITY
JAWAHAR NAGAR 37
GUWAHATI 781022
KAMRUP M ASSA

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05.01.2022

Heard Mr. U.K. Nair, learned senior counsel for the petitioner. Also heard Ms. R.B. Bora, learned junior Government Advocate, Assam appearing for the respondent No.1 as well as Ms. P. Barua, learned counsel appearing for the respondent Nos. 2 and 3.

The issue which has been raised in this PIL is that the Assam Real Estate Regulatory Authority, which is a statutory authority created under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act') is not functioning in accordance with law. Moreover, it has also been stated that even a website has not been created by the Assam Real Estate Regulatory Authority, although it is a requirement under Section 34 (b), (c) and (d) of the Act, which reads as under:

*“34. **Functions of Authority.**—The functions of the Authority shall include—*

(a);

(b) to publish and maintain a website of records, for public viewing, of all real estate projects for which registration has been given, with such

details as may be prescribed, including information provided in the application for which registration has been granted;

(c) to maintain a database, on its website, for public viewing, and enter the names and photographs of promoters as defaulters including the project details, registration for which has been revoked or have been penalised under this Act, with reasons therefor, for access to the general public;

(d) to maintain a database, on its website, for public viewing, and enter the names and photographs of real estate agents who have applied and registered under this Act, with such details as may be prescribed, including those whose registration has been rejected or revoked;”

There is no one representing the respondent Nos. 4 and 5 before this Court.

We hereby issue notice to the respondent Nos. 4 and 5.

Steps within one week.

Apart from normal mode of service, the petitioner is also permitted to serve the respondent Nos. 4 and 5 by *dasti*.

Reply be filed within three weeks.

List again on **03.02.2022**.

JUDGE

CHIEF JUSTICE

Comparing Assistant