

GAHC010228902021



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**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

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ASSAM REAL ESTATE REGULATORY AUTHORITY  
JAWAHAR NAGAR 37  
GUWAHATI 781022  
KAMRUP MASSA

**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*

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*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**