

GAHC010019422022



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

Case No. : WP(C)/778/2022

SAJJADUR RAHMAN LASKAR
S/O- LATE MASKANDAR ALI LASKAR, R/O- VILLAGE UTTAR
KANCHANPUR PART-II, P.O- JANKI BAZAR, DIST-HAILAKANDI (ASSAM)

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT,. OF ASSAM,
DEPARTMENT OF REVENUE, DISPUR, GUWAHATI-06

2:THE DEPUTY COMMISSIONER
HAILAKANDI

3:THE SUB DIVISIONAL OFFICER
(SADAR)
HAILAKAND

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.03.2023

1. Heard Mr. R. Das, learned counsel for the petitioner. Also heard Mr. S.

Barua, learned Government Advocate for the respondent nos.2 & 3 and Ms. G. Hazarika, learned counsel for the respondent nos.1.

2. The petitioner's case is that the District Administration of Hailakandi granted licence to the petitioner in August, 2014 as a Stamp Vendor, allowing him to sell Court Fees and Non-Judicial Stamp Papers in the compound of the Deputy Commissioner's office at Hailakandi. However, the Deputy Commissioner, Hailakandi, vide order dated 16.10.2021, cancelled the licence issued under No.HRC.13/2013/130(A) issued against the petitioner allowing him to sell Court Fees and Non-Judicial Stamp Papers.

3. The petitioner's counsel submits that the cancellation of the licence by the Deputy Commissioner, Hailakandi was made on an erroneous finding that the petitioner had sold his Non-Judicial Stamp Papers to one Aftab Uddin Laskar who had thereafter sold it at a higher price to genuine buyers. The petitioner's counsel submits that he had sold the Non-Judicial Stamp Papers to Aftab Uddin Laskar and the subsequent selling of the Stamp Papers to some other persons by Aftab Uddin Laskar, was not to the knowledge of the petitioner. He accordingly submits that the impugned order dated 16.10.2021 should be set aside.

4. Mr. S. Barua, learned counsel for the respondent nos.2 & 3, on the other hand submits that in view of the petitioner selling the Non-Judicial Stamp Papers to Aftab Uddin Laskar, who in turn sold the same as a Stamp Vendor to genuine buyers at a higher price, an inquiry was instituted. The inquiry instituted came to a finding that the petitioner had indulged in malpractices, by transferring

Stamp Papers to another Stamp Vendor, without selling the same directly to genuine customers, in violation of the terms and conditions of the Stamp Vendor Licence. He also submits that the petitioner did not maintain proper Sale Register, which was required to be done to record the buyer's name. He also submits that the petitioner in his letter dated 14.09.2021, made in reply to the notice dated 10.09.2021 issued by the Sub-Divisional Officer (S), Hailakandi, has admitted to the fact that he sold the Stamp Papers to Aftab Uddin Laskar, who in turn sold the same at a higher price to customers. He submits that as all procedural formalities were conducted by the State respondents, prior to coming to a finding that the petitioner had indulged in malpractice and cancelling his Stamp Vendor Licence, there was nothing left to agitate in the present petition. He accordingly prays that the writ petition should be dismissed.

5. I have heard the learned counsels for the parties.

6. On perusal of the records, it is seen that not only was the petitioner given notice of the allegations made against him, but an inquiry had also been instituted on the alleged malpractices of various Stamp Vendors, including the petitioner. A perusal of the impugned order dated 16.10.2021 shows that the petitioner had transferred Stamp Papers to another Stamp Vendor without selling the same directly to genuine customers. Further he did not maintain a proper Sale Register with regard to the Stamp Papers sold by him.

7. The respondent no.3 in paragraph 6 of his affidavit has stated that 3 of the 4 exhibit Stamp Papers were actually issued to the petitioner by the Treasury Officer, Hailakandi and the petitioner had transferred it to Aftab Uddin Laskar, as

admitted by him. As there is no counter/denial of the petitioner, to the said averment made by the respondent no.3 in his affidavit-in-opposition, the said averment would have to be deemed to be an admitted fact. In view of the above reasons, this Court does not find any reason to interfere with the impugned order dated 16.10.2021. It is also noticed that the petitioner has not filed any representation to the Deputy Commissioner, Hailakandi with regard to the impugned order dated 16.10.2021, prior to approaching this Court. As there is nothing to show that any legal right of the petitioner has been violated by the impugned order, this Court does not find any ground to exercise it's discretion in the present case.

8. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant