

GAHC010183962023



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

Case No. : I.A.(Civil)/2620/2023
in
WP(C)/3291/2023

THE LANKA GURDWARA PRABHANDAK COMMITTEE AND ANR.
LANKA, DISTRICT NAGAON, ASSAM, REPRESENTED BY ITS PRESIDENT,
SRI DILIP SINGH, S/O SANTA SINGH, WARD NO.4, LANKA TOWN, P.O AND
P.S. LANKA, DISTRICT HOJAI, ASSAM.

2: THE LANKA SACHETAN SIKH NAGARIK MANCHA

REPRESENTED BY ITS SECRETARY SRI RANJIT SINGH
S/O LATE SATYANARAYAN SINGH
WARD NO. 4
LANKA TOWN
RAILWAY STATION ROAD
P.O. AND P.S. LANKA
DIST. HOJAI
ASSA

VERSUS

SUBIR CHAKRABORTY AND 7 ORS.
S/O- SURENDRA KANTA CHAKRABORTY R/O- WARD NO. 4, GOBINDA
NAGAR, P.O. AND P.S.- LANKA, DISTRICT- HOJAI, ASSAM- 782446.
PROPRIETOR OF - TONIQUE RESTAURANT AND BAR, BAR-CUM-
RESTAURANT (IMFL ON SHOP), GOBINDA NAGAR, STATION ROAD,
LANKA TOWN, UNDER SUB-DIVISION HOJAI DISTRICT- NAGAON
(ASSAM).

2:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR

GUWAHATI- 781006.

3:THE COMMISSIONER OF EXCISE
ASSAM
HOUSEFED COMPLEX
DISPUR

GUWAHATI- 781006.

4:THE ADDITIONAL DEPUTY COMMISSIONER (EXCISE)
SUB-DIVISION- HOJAI
NAGAON
ASSAM.

5:THE SUPERINTENDNT OF EXCISE
NAGAON
ASSAM.

6:THE DEPUTY SUPERINTENDENT (EXCISE)
SUB-DIVISION- HOJAI
NAGAON

ASSAM.

7:THE INSPECTOR OF EXCISE

LANKA SUB-DIVISION- HOJAI

NAGAON
ASSAM.

8:THE DEPUTY COMMISSIONER
DISTRICT- NAGAON
ASSAM

Advocate for the Petitioner : MS S A KHALIFA

Advocate for the Respondent : MR. B D KONWAR SR. ADV.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

01.12.2023

Heard Ms. B. Choudhury, learned counsel for the applicants, who by means

of this application are seeking impleadment in the connected WP(C)/3291/2023.

2. The cause of action in this writ petition is a closure of IMFL "ON" Shop of the writ petitioner. The said closure as per the writ petition is upon some verbal orders by the Excise Authority based upon the complaints lodged.

3. It is submitted by Ms. Choudhury, learned counsel that it is the applicants, who had lodged the complaints and therefore, they may be given an opportunity of hearing.

4. Shri S. Nandi, learned counsel for the opposite party / writ petitioner has however objected to the prayer for impleadment

5. Also heard Shri D. Gogoi, learned Standing Counsel, Excise Department.

6. In paragraph 8 of the writ petition, a specific averment has been made that it is on the complaint of the applicants that the impugned action has been taken. For ready reference, the averments made in paragraph 8 is extracted hereinbelow-

“That accordingly, the petitioner started renovating this existing restaurant for the opening of the bar and alongside also started the registration process of his license under Assam Excise Portal for issuance of permit / transport pass for lifting of IMFL at 'Tonique Restaurant & Bar'. In the meantime, a local Gurdwara viz. Sri Guru Singh Sabha and a local school under the name and style Parsuram Mazumdar Girl's High School came to know about the opening of the IMFL "ON" Shop and immediately started protesting it on the ground that it was close to educational institution and place of worship etc.

They were also joined by Lanka Sikh Sachatan Nagarik Manch whereby they started threatening the petitioner and started noisy

demonstration in front of the petitioner's Restaurant & Bar. They have also submitted various written complaints to the Deputy Commissioner along with Superintendent of Excise and Deputy Superintendent of Excise, Lanka."

7. This Court is of the opinion that by the present application, the applicants are only seeking a scope of being heard at the adjudication of the writ petition which is an outcome of the complaints lodged by the applicants.

8. In view of the above, the I.A. stands allowed and the applicants, namely, The 'Lanka Gurdwara Prabhandak Committee', Lanka, District – Nagaon represented by its President, Shri Dilip Singh, Ward No. 4, Lanka Town, PO & PS – Lanka, District – Hojai and The 'Lanka Sachetan Sikh Nagarik Mancha' represented by its Secretary, Shri Ranjit Singh, Ward No. 4, Lanka Town, Railway Station Road, PO & PS – Lanka, District – Hojai are impleaded as party respondent nos. 8 and 9.

JUDGE

Comparing Assistant