

GAHC010011542024



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

Case No. : WP(C)/303/2024

SOUTH SALMARA MANKACHAR DISTRICT COMMITTEE
REPRESENTED BY ITS DISTRICT PRESIDENT, MINORITY MORCHA
NAMELY HAFIZUR RAHMAN (35 YEARS) S/O- AZIAL HOQUE, VILL-
KHALISHAMARI P.O. PIAZBARI, P.S. SUKCHAR, DIST. SOUTH SALMARA
MANKACHAR, ASSAM, PIN- 783128

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ANIMAL HUSBANDRY AND VETERINARY DEPTT., DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER/DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
ASSAM
PIN- 783127

3:THE SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR
HATSINGIMARI
ASSAM
PIN- 783127

4:THE SUB-DIVISIONAL A.H. AND VETERINARY OFFICER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
ASSAM
PIN- 78312

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 24-01-2024

Heard Mr. Z. Hussain, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2 and 3.

2. The instant writ petition has been preferred on behalf of one M/s South Salmara Mankachar District Committee, represented by its District President, Minority Morcha of Bharatiya Gou Rakhsha Vahini. In paragraph 2 of the writ petition, the petitioner has claimed himself to be the District President of the Minority Morcha of Bharatiya Gou Rakhsha Vahini, which is stated to be registered organization bearing Registration no. 1819 in the District of South Salmara, Mankachar.

3. The basis on which the petitioner has claimed that he has been authorized to run a Goshala, is an Order dated 22.02.2022 (Annexure-1 to the writ petition). From a perusal of the Order dated 22.02.2022, it is noticed that by the said order, permission was accorded to two individuals, not to any entity, named M/s South Salmara Mankachar District Committee, to purportedly run a Goshala. It is nowhere mentioned in the writ petition that M/s South Salmara Mankachar District Committee is a registered association. It has been held by a Division Bench of this Court in the case of *Meghalaya Wine Dealers Association and another vs. State of Meghalaya and others*, reported in 2010 (2) GLT 673, that a writ petition by an unregistered association is not maintainable under Article 226 of the Constitution of India. As such, the instant writ petition is found not

maintainable in the present form and accordingly, the same is dismissed as not maintainable.

4. However, the dismissal of the writ petition on the ground of maintainability for the afore-said, shall not preclude any competent person/entity having locus standi, if aggrieved by any order passed in respect of the Goshala in question resort to appropriate remedy.

JUDGE

Comparing Assistant