

GAHC010015072024



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

Case No. : WP(C)/417/2024

NIKHIL ROY
S/O- NITYANANDA ROY,
R/O- VILLAGE SOUTH RAIPUR,
P.O- GOLAKGANJ, DIST- DHUBRI, ASSAM, PIN-783334

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EXCISE DEPARTMENT
DISPUR, GUWAHATI-06.

2:THE COMMISSIONER OF EXCISE
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI
PIN-781006

3:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
PIN-783301

4:THE SUPERINTENDENT OF EXCISE
DHUBRI
ASSAM
PIN-783301

5:MRIDUL KUMAR MAZUMDAR

S/O- KHITISH MAZUMDAR

R/O- DHUBRI TOWN
WARD NO-7

DIST- DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. N J KHATANAR

Advocate for the Respondent : SC, EXCISE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

29.01.2024

1. Heard Mr. N.J. Khataniar, learned counsel for the petitioner, who submits that the petitioner has written a letter dated 13.12.2023 to the respondent no.2, against the proposal to shift the IMFL Off Shop from Dhubri town to Halakura Bazar under Halakura Gaon Panchayat, as the Halakura Bazar area already has two IMFL Off shops and the move to shift another IMFL Off shop to the Halakura Bazar area is not acceptable to the residents of Halakura. He further submits that the proposal to shift the IMFL Off shop from Dhubri to Halakura Bazar area is in violation of Rule 289 of the Assam Excise Rules, 2016.

2. Mr. N.J. Khataniar submits that the writ petition can be disposed of, if the petitioner's representation dated 13.12.2023 is decided by the respondent no.3.

3. Mr. N. Goswami, learned counsel appears for the respondent nos.1, 2 & 4 while Mr. K. Gogoi, learned counsel appears for the respondent no.3. Both the

counsels submit that they have got no objection to the prayer made by the petitioner's counsel.

4. In view of the consent of the parties, the respondent no.3 is directed to examine the petitioner's representation dated 13.12.2023 (Annexure-C) and dispose of the same within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order along with a copy of the petition. The decision taken by the respondent no.3 should be communicated to the petitioner.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant