

GAHC010026412024



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

Case No. : WP(C)/626/2024

MAHARANI BARI MAHILA BIKASH KENDRA
REPRESENTED BY ITS PRESIDENT SMTI NANI PRAVA SAIKIA, WARD NO.
10, P.O. AND P.S. - BIHPURIA, DIST. LAKHIMPUR, PIN- 784161, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE JOINT COMMISSIONER
DEPARTMENT OF EXCISE
HOUSEFED COMPLEX
DISPUR
GHY-05.

3:THE DISTRICT COMMISSIONER
LAKHIMPUR
DIST. LAKHIMPUR
ASSAM
PIN- 787001.

4:THE SUPERINTEDENT OF EXCISE
LAKHIMPUR
NORTH LAKHIMPUR
PIN- 787001

Advocate for the Petitioner : MR. M K NEOG

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

09.02.2024

1. Heard Mr. M.K. Neog, learned counsel for the petitioner, who submits that there are only two Indian Made Foreign Liquor (IMFL) Retail OFF licence shops within Bihpuria town. He submits that the State respondents are in the process of granting another IMFL Retail OFF Licence for opening a new liquor shop which should not be allowed, inasmuch as, public opinion has not been taken by the authorities, prior to the process being followed for opening a new IMFL OFF shop.

2. Mr. P.N. Goswami, learned counsel appearing for all the respondents submits that the writ petition should be dismissed, inasmuch as, the petitioner's Certificate of Registration with the Registrar of Societies, Assam shows that the validity of the Registration Certificate had expired on 31.01.2010. Further, the petitioner has not been able to show as to what enforceable right of the petitioner has been violated, prior to approaching this Court under Article 226 of the Constitution of India.

3. I have heard the learned counsels for the petitioner.

4. As can be seen from the Certificate of Registration of Societies annexed to the writ petition, the registration of the petitioner society had expired on 31.01.2010. As such, the petitioner cannot be said to be a juristic person. In the

case of ***Rangapara Development Circle vs. State of Assam and Others***, reported in ***2007 SCC OnLine Gau 577***, the Division Bench of this Court has held that a writ petition filed by an unregistered Association is not maintainable. Further, in the case of ***Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Others***, reported in ***(2013) 4 SCC 465***, the Supreme Court has held that a person can approach the Writ Court under Article 226 only if he is an aggrieved person, i.e. if he has *locus standi*. In the present case, the petitioner has not been able to show what enforceable right of the petitioner has been violated by the respondents. As such, the petitioner cannot be said to be an aggrieved person and subsequently, the petitioner having no *locus standi* to file the writ petition, this Court does not find any ground to entertain the writ petition.

5. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant