

GAHC010047512024



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

Case No. : WP(C)/1311/2024

SMTI. KALPANA HAZARIKA AND ANR
D/O LATE HORENDRA HAZARIKA, R/O VILL-SENSUWA, BONGAON, P.S.-
SIVASAGAR, SUB-DIVISION- SIVASAGAR, DIST- SIVASAGAR, ASSAM

2: DIGANTA KUMAR PHUKAN
S/O LATE GOBIN CH. PHUKAN
R/O VILL- GOHAIN GAON
P.S.-SIVASAGAR
SUB-DIVISION- SIVASAGAR
DIST- SIVASAGAR
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-
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2:DISTRICT COMMISSIONER
SIVASAGAR
DIST- SIBSAGAR
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
DIST-SIBSAGAR
ASSA

Advocate for the Petitioner : MR. M J BARUAH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05.03.2024

1. Heard Mr. M.J. Baruah, learned counsel for the petitioners, who submits that the petitioners are Stamp Vendors, who have been given licences for selling e-Stamp Paper, Court Fee, Papers etc. He submits that the petitioners' licences are valid till June, 2024. However, the Office of the District Commissioner, Sivasagar, vide the impugned order dated 27.02.2024, directed them to remove their temporary shops which they have been occupying temporarily inside the Deputy Commissioner's office premises. The petitioners' counsel submits that unless alternative arrangements are made by the office of the District Commissioner, the petitioners have nowhere to go.

2. The petitioners' counsel submits that though the petitioners have submitted a representation to the District Commissioner, Sivasagar, the same has not been considered by the authority.

3. Ms. U. Das, learned Additional Senior Government Advocate appearing for the respondent nos.2 & 3 and Ms. G. Hazarika, learned counsel for the respondent no.1 submit that the petitioners have been given notices way back in 11.04.2023 to vacate their place of business, which was inside the premises of the District Commissioner's office before 17.04.2023. The petitioners not having complied with the same, another impugned order dated 27.02.2024 was issued to them to remove their temporary shops by 28.02.2024.

4. The learned counsel for the respondents submits that the impugned order dated 27.02.2024 has not cancelled their licences to sell e-Stamp Papers, Court Fee etc. and has only asked them to vacate the place of business, which they have temporarily occupied. They submit that no right of the petitioners has been violated by the impugned order dated 27.02.2024.

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

6. As can be seen from the pleadings and the submissions made by the Counsels for the parties, the licences given to the Stamp Vendors by the authorities have not been disturbed. The impugned order has only directed the petitioners to vacate the place of their business, which is in the office complex of the District Commissioner's office. It is also noticed that the petitioners had been given notices way back in 11.04.2023 and despite the same they have not made alternative arrangements till date.

7. No right of the petitioners has been violated by the impugned order dated 27.02.2024 and as such, the present writ petition is not maintainable, as they are not aggrieved persons. 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 only those persons, whose enforceable rights have been violated, can approach a Writ Court under Article 226 of the Constitution for enforcement of their rights.

8. Though the petitioners' counsel submitted that the petitioners had submitted a representation to the District Commissioner, Sivasagar, the same is

not annexed to the writ petition.

9. On considering all the above facts and the law laid down by the Supreme Court, it is quite apparent that the petitioners cannot be said to be aggrieved persons, inasmuch as, they have no right to run their business inside the District Commissioner's Office area. As such, they have to make alternative arrangements for running their business outside the District Commissioner's Office area. Consequently, this Court does not find any reason to exercise its discretion in the present case. However, the petitioners are given the liberty to approach the District Commissioner by way of a fresh representation, which should be submitted within 3 (three) days from today, to consider giving the petitioners grievance some extra time to enable them to make alternative arrangements.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant