

GAHC010080222022



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

Case No. : WP(C)/2857/2022

SAHID ALI
S/O- MOTLEB ALI, R/O- VILL. 2 NO. JAMBARI, P.O. JAMBARI, P.S. BOKO,
DIST.- KAMRUP(R), ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, PANCHAYAT
AND RURAL DEVELOPMENT DEPTT., DISPUR, GHY.- 781006.

2:THE COMM. AND SECY.
DEPTT. OF EXCISE
GOVT. OF ASSAM
DISPUR
GHY.- 781006.

3:THE COMMISSIONER OF EXCISE
SILPUKHURI
GHY.- 781003.

4:THE DY. COMMISSIONER
KAMRUP (RURAL)
ASSAM.

5:THE SECRETARY
6 NO. UTTAR DAKSHIN BANGAON GAON PANCHAYAT
P.O. BAMUNIGAON
KAMRUP
ASSAM.

6:THE PRESIDENT
6 NO. UTTAR DAKSHIN BANGAON GAON PANCHAYAT

P.O. BAMUNIGAON
KAMRUP
ASSAM

Advocate for the Petitioner : MR J I BARBHUIYA

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

24.07.2024

Heard Mr. J.I. Barbhuiya, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned Standing Counsel, P&RD and Ms. M. Kalita, learned counsel for the respondent Nos. 2 & 3.

2. The petitioner's grievance is that a no objection certificate is required to be given by the concerned Gaon Panchayat, in order to enable the petitioner to obtain an IMFL licence. As the petitioner was desirous of opening a bar-cum-restaurant, the petitioner had submitted an application dated 03.09.2021, seeking a "no objection certificate" from the respondent No.6, in terms of Rule 295(ii) of the Assam Excise Rules, 2016, keeping in view the fact that the IMFL licence was to be used in an area not under a Corporation, Municipality or Town Committee area.

3. The petitioner's counsel submits that the respondent No. 6 has till date not taken a decision on the petitioner's application for grant of a "no objection certificate." He submits that as the petitioner's representation dated 03.09.2021 for grant of no objection certificate has not been decided by the respondent

No.6, the respondent No.6 may be directed to take a decision on the petitioner's representation.

4. Mr. S. Dutta, learned Standing Counsel, P&RD submits that there is no President of No.6 Uttar Dakshin Bangaon Gaon Panchayat at present and as such, the petitioner may be directed to submit a representation to the respondent No.5 for grant of a "no objection certificate."

5. Ms. M. Kalita, learned counsel for the respondent Nos.2 & 3 submits that she has got no comments to make.

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

7. In view of the consent of the parties, the petitioner is given the liberty to submit an application for grant of a "no objection certificate" before the respondent No.5. The respondent No.5 shall thereafter take a decision on the prayer of the petitioner for grant of a "no objection certificate", in terms of Rule 295(ii) of the Assam Excise Rules, 2016, which should be done within a period of 3(three) weeks from the date of receipt of the petitioner's application.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant