

GAHC010103392024



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

Case No. : WP(C)/2739/2024

ATOWAR RAHMAN
S/O- LT. ABDUL GAFUR,
VILL- NIDANPUR PT-II,
P.O. AND P.S.- LAKHIPUR,
DIST- GOALPARA (ASSAM),
PIN- 783129.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
REVENUE DEPARTMENT, GOVT. OF ASSAM,
SECRETARIAT CIVIL, F BLOCK, 1ST FLOOR,
DISPUR, GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
GOALPARA
DISTRICT- GOALPARA
ASSAM

PIN- 783121.

3:THE CIRCLE OFFICER OF LAKHIPUR REVENUE CIRCLE
P.O. AND P.S.- LAKHIPUR

DIST.- GOALPARA
ASSAM

PIN- 783129

Advocate for the Petitioner : MR. M I HUSSAIN, MR. R ISLAM, SK ABDULLAH, N. UDDIN

Advocate for the Respondent : SC, REVENUE, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

14.08.2024

1. Heard Mr. M.I. Hussain, learned counsel for the petitioner and Mr. G. Bokalia, learned counsel for the respondent nos.2 & 3. Mr. S. Dutta, learned counsel appears for the respondent no.1.

2. The petitioner is aggrieved by the cancellation of his temporary licence as a Petition Writer, vide the impugned order dated 08.03.2024 issued by the District Magistrate, Goalpara, on account of the petitioner having been arrested by the police in connection with the Lakhimpur P.S. Case No.59/2024 under Section 120(B)/420/406/387/506 IPC and under the Assam Money Lenders (Amendment) Act, 1968.

3. The petitioner's counsel submits that the petitioner's temporary licence as a Petition Writer has been renewed up to 05.02.2025. He further submits that no notice was issued to the petitioner, prior to the cancellation of his licence, vide the impugned order dated 08.03.2024.

4. The petitioner's counsel submits that though the petitioner was arrested in Lakhimpur P.S. Case No.59/2024, the petitioner has since been released on bail and no charge-sheet has been filed in the criminal case till date. He accordingly

submits that as no misconduct or any criminal charge has been proven against the petitioner as on date, the impugned order dated 08.03.2024 should be set aside.

5. Mr. G. Bokalial, learned counsel for the respondent nos.2 & 3 submits that the allegation made against the petitioner are very serious, inasmuch as, it relates to the petitioner lending money in violation of the Assam Money Lenders (Amendment) Act, 1968. Further, the petitioner's licence being only temporary in nature, the same can be cancelled, as the petitioner is involved in a serious criminal case.

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

7. It is not denied by either of the parties that no notice was issued by the office of the District Magistrate, Goalpara to the petitioner, prior to cancellation of the petitioner's licence as a Petition Writer, vide order dated 08.03.2024. Further, it is an admitted fact that no charge-sheet has been filed against the petitioner till date in Lakhipur P.S. Case No.59/2024. It is also an admitted fact that the petitioner's licence as a Petition Writer has been renewed up to 25.02.2025. As no charge-sheet has been filed in the police case, there is no question of there being any finding of guilt or conviction of the petitioner in the police case. Further, as no notice was issued to the petitioner prior to the cancellation of his licence as a Petition Writer by the District Magistrate, Goalpara, the same is in violation of the principles of natural justice. Consequently, in view of the above reasons, this Court is of the view that the

impugned order dated 08.03.2024 issued by the District Magistrate, Goalpara is not sustainable in law and is accordingly set aside.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant