

GAHC010223372024



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

Case No. : WP(C)/5449/2024

HOWLY RAAS MOHOTSAV UDJAPAN SAMITY AND ANR
HOWLY RAAS MOHOTSAV UDJAPAN SAMITY ,
REP. BY ITS SECRETARY , MR. AMARENDRA PATHAK, AGE-59 YRS,
S/O- LATE N PATHAK,
R/O-WARD NO-3,
MAIRAMARA,
P.O AND P.S- HOWLY,
BARPETA, ASSAM, PIN-781316

2: MR. AMARENDRA PATHAK

S/O- LATE N PATHAK

R/O-WARD NO-3

MAIRAMARA

P.O AND P.S- HOWLY

BARPETA

ASSAM

PIN-781316 AND PRESENTLY THE SECRETARY

HOWLY RAAS MOHOTSAV UDJAPAN SAMIT

VERSUS

THE STATE OF ASSAM AND 3 ORS

REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT

DISPUR
GUWAHATI-06
ASSAM

3:THE DISTRICT COMMISSIONER
BARPETA
ASSAM

4:THE SUPERINTENDENT OF POLICE
BARPETA
MUSLIMPATTY
JOTI GAON
PIN-781301
DIST- BARPETA
ASSAM

For the petitioners : Mr. K.N. Choudhury, Sr. Advocate
Assisted by Mr. N. Baruah, Advocate

For the respondents : Mr. D. Nath,
Sr. Govt. Advocate, Assam for
Respondent Nos.1, 3 & 4
Mr. A. Phukan, Advocate
For the respondent No.2

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

25-10-2024

(Vijay Bishnoi, C.J.)

This writ petition is filed by the petitioners under Article 226 of the Constitution of India essentially with the prayer to modify the order dated 03.10.2024 passed in PIL No.29/2024 whereby this Court has issued direction to the State authorities to take action against any off-line/online lottery found to be organised illegally in the State of Assam.

Prima facie we are of the view that for modification or vacation of the

order passed by this Court while exercising writ jurisdiction, the appropriate course is to move an application by the aggrieved party for modification or vacation of the order.

At this stage, Mr. K.N. Choudhury, learned senior counsel submits that he may be allowed to withdraw this writ petition. However, he seeks liberty for the petitioners to approach the authorities concerned in the State Government with the prayer to allow them to organise lottery/lucky coupon draw at Howly Raas Mohotsav organised by the Howly Raas Mohotsav Udjapan Samity.

In view of the above, this writ petition is dismissed as withdrawn. However, the petitioners are at liberty to move appropriate representation before the authorities concerned in the State Government seeking permission to organise lottery/lucky coupon draw on the eve of Howly Raas Mohotsav. If any such application is moved by the petitioners, it is expected that the State Government will consider and decide the same expeditiously taking into consideration the provisions of The Lotteries (Regulation) Act, 1998 and The Lotteries (Regulation) Rules, 2010.

JUDGE

CHIEF JUSTICE

Comparing Assistant