

GAHC010270462024



2024:GAU-AS:12800

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

**Case No. : WP(C)/6793/2024**

CHATAIMARI BAZAR UNNAYAN SAMITTEE  
A REGISTERED SOCIETY HAVING ITS REGISTERED OFFICE AT  
CHATAIMARI, P.O.-SIMLABARI, P.S.-LAKHIPUR, DIST- GOALPARA  
(ASSAM), PIN-783330, REPRESENTED BY ITS PRESIDENT MD. ZIADUL  
HOQUE, 30 YEARS

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,  
GUWAHTI-781006

2:THE DISTRICT COMMISSIONER  
GOALPARA  
P.O. AND DIST- GOALPARA  
ASSAM

3:THE CHIEF EXECUTIVE OFFICER  
GOALPARA ZILLA PARISHAD  
GOALPARA

4:THE CIRCLE OFFICER  
LAKHIPUR REVENUE CIRCLE  
LAKHIPUR  
DIST- GOALPARA  
ASSAM

5:THE OFFICER -IN- CHARGE  
LAKHIPUR POLICE STATION  
LAKHIPUR  
DIST- GOALPARA  
ASSAM

6:EXECUTIVE OFFICER  
JALESWAR ANCHALIK PANCHAYAT  
KATARIHARA  
DIST- GOALPARA  
ASSAM

7:MD. ABDUL MOZID  
S/O LATE ROSTOM ALI  
R/O VILL- DAMBRIBHASA  
P.O.-KATARIHARA  
P.S.-LAKHIPUR  
DIST- GOALPARA  
ASSAM  
PIN-783132

8:MD. ABDUL WADUD MOLLAH  
S/O LATE ROMAN MOLLAH  
R/O VILL- DAMBRIBHASA  
P.O.-KATARIHARA  
P.S.-LAKHIPUR  
DIST- GOALPARA  
ASSAM  
PIN-78313

**Advocate for the Petitioner** : MR. D P BORAH, MR U GHOSH

**Advocate for the Respondent** : SC, P AND R.D., MR. D A KAIYUM (FOR CAVEATOR),GA,  
ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 17-12-2024**

Heard Mr. DP Borah, learned counsel for the petitioner, who submits that the order dated 28.10.2024 issued by the District Commissioner, Goalpara, by which the Gournagar Damribhasha Bridge Tiniali Pashu hat (a private market) has been allowed/permitted to operate on Thursday should be set aside.

**2.** The petitioner's counsel submits that in terms of the meeting minutes dated 27.05.2014 held in the office of the District Commissioner, Goalpara, to sort out the anomalies of the Chataimari Weekly Pashu hat (Government market) and Gournagar Damribhasha Bridge Tiniali Pashu hat, it was decided that the Chataimari Weekly Pashu hat would be permitted to operate on Thursday instead of Friday and the Gournagar Weekly Pashu hat would be permitted to operate on Tuesday instead of Friday. Thus, the two markets operated as per the above dates.

**3.** The petitioner's counsel submits that the dates when the markets would be opened in terms of the meeting minutes dated 27.05.2014 has been changed, vide the impugned order dated 28.10.2024, wherein the Gournagar Damribhasha Bridge Tiniali Pashu hat has been permitted to operate on Thursday, which is the same day allowing for the operation of the Government market.

**4.** The petitioner's counsel submits that the District Commissioner, Goalpara could not have changed the date of operating the private market on the same date that the Government market was operating.

**5.** Mr. G Bokalial, learned counsel appearing for the respondent Nos. 2, 4 & 5 and Mr. S Dutta, learned counsel appearing for the respondent Nos. 1, 3 & 6 submit that the petitioner has no *locus standi* to file the present writ petition, inasmuch as, he has got no role to play in the operation of either of the markets, i.e., the Government market or the private market.

**6.** Mr. S Dutta, learned counsel for the respondent Nos. 1, 3 & 6 submits that

the Government markets are all being run by the concerned Anchalik Panchayats and the petitioner is not running the Chataimari Weekly Pashu hat at present.

**7.** I have heard the learned counsels for the parties.

**8.** It is an admitted fact that the Chataimari Weekly Pashu hat (Government market) and the Gournagar Damribhasha Bridge Tiniali Pashu hat (private market) are being run in different locations and on different lands. It is also an admitted fact that the petitioner as on date, is not having any role to play in the running of either of the two markets. As such, this Court is unable to understand the reason for the petitioner making a challenge to the District Commissioner's decision to allow the private markets to operate on Thursday. In the case of ***Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Ors.***, 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 for a writ of certiorari under Article 226 of the Constitution, for enforcement of their rights.

**9.** In the present case, no legal or fundamental right of the petitioner has been violated and as such, the petitioner cannot be said to be an aggrieved person, so as to pray for a writ of certiorari under Article 226 of the Constitution of India.

**10.** The above being said, when the earlier dates of opening the markets had been made by the Deputy Commissioner/District Commissioner, Goalpara and the said dates have been changed by the same authority in the year 2024, this

Court is unable to understand as to how/why the District Commissioner cannot review its own decision. The petitioner has also not been able to show any law, rule or guideline which prohibits the operation of the Government market and a private market on the same day. There is also nothing shown to the effect that the private market cannot be allowed to open on a Thursday.

**11.** In view of the reasons stated above, this Court finds that there is no merit in the writ petition. Accordingly, the writ petition is ***dismissed***.

**JUDGE**

**Comparing Assistant**