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2026:GAU-AS:15340

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

Case No. : WP(C)/4392/2026

ABHAYAPURI GAON PANCHAYAT AND ANR
REPRESENTED BY ITS WARD MEMBER OF WARD NO. 9, SRI ATAUR RAHMAN CHOUDHURY, AGED ABOUT 33 YEARS, S/O- GASIBAR RAHMAN CHOUDHURY, RESIDENT OF VILLAGE- RAJAPUKHURI BAGICHA, P.O.- CHAMUAKHAT, P.S.- DHULA, DISTRICT- DARRANG, ASSAM, PIN-784190

2: PUB-MANGALDAI ANCHALIK PANCHAYAT
NO. 46 ABHAYPUKHURI GAON PANCHAYAT
REPRESENTED BY ITS MEMBER SRI SHAJAHAN ALI
AGED ABOUT 43 YEARS SON OF JAFAR ALI
RESIDENT OF VILLAGE- RAJAPUKHURI BAGICHA
P.O.- CHAMUAKHAT
P.S.- DHULA
DISTRICT- DARRANG
ASSAM
PIN-784190

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
JURIPAR
GUWAHATI-37.

3:DARRANG ZILLA PARISHAD
MANGALDAI

REPRESENTED BY THE CHIEF EXECUTIVE OFFICER
DIST.- DARRANG
ASSAM

4:THE CHIEF EXECUTIVE OFFICER
DARRANG ZILLA PARISHAD
MANGALDAI
DIST.- DARRANG
ASSAM

5:THE ACCOUNTANT
DARRANG ZILLA PARISHAD
MANGALDAI
DARRANG
DIST. DARRANG
ASSAM

6:THE DISTRICT COMMISSIONER
DARRANG
DIST.- DARANG
ASSA

Advocate for the Petitioner : MR. A SARMA, MR. M HUSSAIN,MR H MAZUMDER,MR. W RAHMAN

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

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

12-10-2026

1. Mr. K. Kalita, learned counsel for the petitioners and Ms. N. Borah, learned Standing Counsel, P&RD Department, for the respondents.

2. The grievance raised in this petition is that by an order dated 01.07.2026 issued by the In-charge, Chief Executive Officer (CEO), Darrang Zila Parishad, whereby an

Office Peon of Darrang Zila Parishad has been authorized to collect tolls from Ambachowk Cattle Market on behalf of the said Zila Parishad with effect from 01.07.2026, instead of proceeding under Section 105 of the Assam Panchayat Act, 1994.

3. The respondent CEO's pleadings, however, reflect a different story: that Ambachowk Cattle Market is being run by two individuals, namely, Humayun Kabir and Saiful Islam, on private patta land. It is also admitted, as reflected in the affidavit filed by the CEO, that the said cattle market is a private market.

4. However, the affidavit does not clarify under what authority of law the Panchayat/Zila Parishad is collecting tolls from a private Market. Neither the provision of Section 105 nor Section 107 of the Assam Panchayat Act, 1994 permits operation of such a private market without approval under Section 107, nor can a market be run by the Panchayat/Zilla Parishad without adhering to Section 105 and compliance with the provisions under the Assam Cattle Preservation Act, 2021.

5. It is significant to note that the two individuals mentioned hereinabove have filed the connected impleadment petition seeking their impleadment in the present writ petition. It is reflected in the petition that they have applied for approval under Section 107 of the Act, which is pending consideration and must proceed in accordance with law.

6. However, such pleadings further clarify that a private market is being run under the nose of the Panchayat/Anchalik Panchayat/Zilla Parishad without due statutory approval.

7. That being the position, such an unapproved market cannot be allowed to be run by the administration. At the same time, when the market is a private market, the authorities cannot collect any toll from the said market, except to impose a fee as prescribed under Section 107, and that too after grant of approval under the said

provision. No settlement can also be made in a private market as prescribed under Section 105 of the Act.

8. Ordered accordingly.

9. The affidavit filed by the CEO further reflects that, though certain lands were identified to run a cattle market under the jurisdiction of the concerned Panchayat/Anchalik Panchayat/Zilla Parishad, the same could not be carried out further due to disputes regarding the aforesaid land.

10. Therefore, it is clarified that the jurisdictional Gaon Panchayat/Anchalik Panchayat/Zila Parishad shall be at liberty to identify the lands and start cattle market(s) strictly in terms of Section 105 of the Assam Panchayat Act, 1994.

11. With the aforesaid observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant