GAHC010181822026

2026:GAU-AS:15173

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

Case No. : WP(C)/4767/2026

SHRI ANANTA GOGOI
S/O LATE CHANDRA GOGOI, R/O JAYANAGAR, P.O. AND P.S. DULIAJAN, DIST- DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT OF EXCISE, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI, ASSAM, PIN 781006.

2:THE COMMISSIONER OF EXCISE
ASSAM HOUSEFED COMPLEX
DISPUR
GUWAHATI
ASSAM
PIN 781006.

3:THE DISTRICT COMMISSIONER
DIBRUGARH
ASSAM
PIN- 786003

4:THE SUPERINTENDENT OF EXCISE
O/O THE DISTRICT COMMISSIONER
MANCOTTA ROAD
DIBRUGARH
ASSAM
PIN- 786001

5:THE OFFICER IN CHARGE
SADAR POLICE STATION

DIBRUGARH
ASSAM
PIN- 786001

6:SHRI BHULA NATH BHUYAN ALIAS PAPU
R/O DEVELOPMENT
NATUN NIRMALI GAON T.V. CENTRE
NAMGHAR PATH
BYELANE NO. 5
DIBRUGARH
ASSAM
PIN- 78600

Advocate for the Petitioner : MR A V SINGH, MR P TALUKDAR,MR W R MEDHI,S I AHMED

Advocate for the Respondent : GA, ASSAM, MR. J P MORE(R6),MR. S J SARMAH(R6),MR. A BARUAH(R6),SC, EXCISE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

08.10.2026

1. Heard Mr. W.R.Medhi, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel for the Excise Department representing the respondent Nos. 2 and 4 and Mr. A. Baruah, learned counsel for the respondent No. 6.

2. The petitioner is a proprietor of A. B. Wine holding "OFF" shop licence No. 127/2022 situated at Natun Nirmali Gaon, P.O.- C.R. Building, Dist- Dibrugarh.

3. While the petitioner was running his day-to-day business, on 09.07.2026, some local persons forcefully closed the licenced premises, which was immediately intimated by the petitioner to the District Commissioner, Dibrugarh.

4. It is further argued that subsequently on 16.08.2026, a similar situation arose and since then, the petitioner's licenced shop is closed forcefully.

5. In the meantime, the respondent No. 6 has also represented before the District Commissioner, alleging that such licence shop is causing an adverse effect on social environment, traffic congestion etc., requested for shifting of the IMFL shop.

6. Facing with forceful closure, the petitioner has approached this Court.

7. Taking note of the demand of respondent No. 6, the District Commissioner, Dibrugarh by an order dated 26.09.2026, directed the petitioner to submit a formal proposal for shifting of his IMFL licence premises to another suitable location conforming to the provisions of the Excise Rules, 2016 and any other provision being enforced, which the petitioner is initially to do, but request some time to find out a suitable location.

8. In that view of the matter, this writ petition otherwise survives no cause of action. However, this Court is of the opinion that till such shifting is effected, the petitioner should be deprived of his right to run his shop from the licenced premise.

9. This Court has taken note of the objection of the respondent No. 6 that the existence of the shop may affect social environment, traffic congestion etc. This Court is of the opinion that such considerations are required to be taken note of prior to the grant of licence in terms of the Excise Act and Excise Rules, which includes seeking objection from the local people.

10. The grant of licence presumes that due procedures are followed until and unless, it is specifically stated and shown that such procedures were not followed, which is not available in the present case.

11. Be that as it may, a licenced shop cannot be allowed to be forcefully closed down without due process of law that too by a registered society. Accordingly, it is ordered that till such transfer is effected, the licenced shop of the petitioner as stated hereinabove shall be allowed to run and the respondent No. 6 shall not create any hindrance to running of such business.

12. It is provided that the District Administration shall ensure that no nuisance is created either by the respondent No. 6 or by the petitioner and that the petitioner strictly runs his licence shop in accordance his license.

13. This disposes the writ petition.

JUDGE

Comparing Assistant