GAHC010202952026

2026:GAU-AS:15112

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

Case No. : WP(C)/5106/2026

SRI GIRIN DOLEY
S/O LT HUNANDA DOLEY R/O LAKHI NEPALI TINIALI P.S. JONAI, DISTRICT - DHEMAJI, PIN - 787060.

2: SMT KARUNA PAIT DOLEY ALIAS KARUNA DOLEY
W/O SRI GIRIN DOLEY
R/O LAKHI NEPALI TINIALI P.S. JONAI DISTRICT - DHEMAJI
PIN - 787060

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF ASSAM, TRIBAL AFFAIRS PLAINS DEPARTMENT, DISPUR, BLOCK-A, GWAUAHTI-6.

2:THE CHIEF EXECUTIVE MEMBER

MISSING AUTONOMOUS COUNCIL
GOGAMUKH
DHEMAJI.

3:THE PRINCIPAL SECRETARY MISSING AUTONOMOUS COUNCIL

GOGAMUKH
DHEMAJI.

4:SMT RUHINI KULI
C/O NAREN KULI VILL LEKU TELON P.O. LEKU
PS. JONAI DIST DHEMAJI
ASSA

For the Petitioner(s) : Mr. D. Baruah, Advocate

For the Respondent(s) : Mr. J. Payeng, Standing Counsel
Mr. R. Dhar, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 07.10.2026

Heard Mr. D. Baruah, the learned counsel appearing on behalf of the petitioners. Mr. J. Payeng, the learned Standing Counsel appears on behalf of the respondent Nos. 2 and 3 and Mr. R. Dhar, the learned Standing Counsel appears on behalf of the respondent No. 1.

2. The present writ petition has been filed by the petitioners seeking a direction upon the respondent Nos. 2, 3 and 4 not to take any steps for collecting tolls/fees from the vendors of the Polo Daily Market which is situated over the private land of the petitioners.

3. The brief facts of the instant case as would be ascertained from the pleadings as well as the documents annexed are that the petitioner No. 2 is the owner of a plot of land admeasuring 3 Kathas 7 Lechas, out of which 3 Kathas is situated in Dag No. 757 of KP Patta No. 376 and 7 Lechas is covered by Dag No. 324 of KP Patta No. 66, situated at village Lakhi Nepali under Mouza Jonai, Lot No. 1 within the Sub-Division Jonai in the District of

Dhemaji, Assam. Upon the said land, the petitioners have been running a market in the name and style of Polo Daily Market.

4. The case of the petitioners is that the respondent Nos. 2 and 3 had granted a settlement in favour of the respondent No. 4 of the Lakhi Nepali Bosti Tiniali Dainik Bazar on 22.06.2026. On the basis of the said settlement, the respondent No. 4 is collecting tolls from the vendors vending from the said Polo Daily Market and it is under such circumstances that the petitioners have approached this Court by filing the present writ petition.

5. The learned Coordinate Bench of this Court vide an order dated 18.09.2026 sought instructions from the respondent Nos. 2 and 3 through their counsel and also directed that till the returnable date, the respondent Nos. 2 and 3 shall ensure that the collection of toll by the respondent No. 4 from the Lakhi Nepali Bosti Tiniali Dainik Bazar is not extended to the vendors operating from the market set up on the patta land of the petitioners.

6. Today, a communication issued by the Principal Secretary, Missing Autonomous Council has been placed before this Court by Mr. D. Baruah, the learned counsel appearing on behalf of the petitioners wherein a direction was issued to the respondent No. 4 not to collect any toll from the patta holder falling under Dag

No. 757 of KP Patta No. 376, situated at Lakhi Nepali Chuk under Jonai Revenue Circle. The said communication is kept on record and marked with the letter "X".

7. This Court has also taken note of that the settlement was granted in favour of the respondent No. 4 only in respect of Lakhi Nepali Bosti Tiniali Dainik Bazar. The said bazar is under the jurisdiction of the respondent Nos. 2 and 3 and is permissible to be settled by the respondent Nos. 2 and 3. However, as the private market in question run by the petitioners is on the private land of the petitioners and does not fall within the ambit of the Lakhi Nepali Bosti Tiniali Dainik Bazar, the respondent No. 4 or even the respondent Nos. 2 and 3 cannot direct collection of toll from the said private market.

8. Accordingly, this Court disposes of the instant writ petition, thereby directing that the respondent No. 4 shall collect the toll only in the Lakhi Nepali Bosti Tiniali Dainik Bazar.

9. It is further observed and directed that under no circumstances, the respondent No. 4 shall collect any toll from the Polo Daily Market, which is run on the patta land of the petitioners.

JUDGE

Comparing Assistant