GAHC010222232026

2026:GAU-AS:15119

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

Case No. : WP(C)/5482/2026

GHAT SHIV MANDIR COMMITTEE AND 2 ORS
SITUATED AT KALIBARI ROAD, WARD NO. 12, P.O AND P.S - SRIBHUMI, DISTRICT- SRIBHUMI, PIN- 788710, REPRESENTED BY ITS SECRETARY, SRI ARNAB PODDER.

2: SAMARJIT DAS
SON OF LATE NIRENDRA KUMAR DAS
DAK BUNGLOW ROAD
SRIBHUMI
WARD NO.-12
P.S AND P.O- SRIBHUMI
PIN- 788710 PRESIDENT
KALIBARI ROAD IMMERSION GHAT SHIV MANDIR COMMITTEE.

3: ARNAB PODDER
SON OF SRI NARAYAN PODDER RESIDENT OF - RAJ BUNGLOW ROAD
WARD NUMBER-12
P.S- P.S- SRIBHUMI
PINCODE- 788710 SECRETARY
KALIBARI ROAD IMMERSION GHAT SHIV MANDIR COMMITTE

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, EXCISE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER OF EXCISE
ASSAM
HOUSEFED COMPLEX
BELTOLA ROAD GUWAHATI 781006.

3:THE DISTRICT COMMISSIONER
SRIBHUMI-788710.

4:THE SUPERINTENDENT OF EXCISE
SRIBHUMI-788710

5:THE INSPECTOR OF EXCISE (SADAR)
SRIBHUMI-788710

6:THE CIRCLE OFFICER
SRIBHUMI- 788710

7:SRIBHUMI MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN
SRIBHUNI
DISTRICT- SRIBHUMI- 788710.

8:SRIMATI MANASHI DAS

WIFE OF- SUBRATA DAS RESIDENT OF- STEAMER GHAT ROAD
NEAR DTO OFFICE
WARD NUMBER-12
SRIBHUMI
PINCODE- 788710.

9:JITENDRA KUMAR DAS
SON OF LATE JYOTISH CHANDRA DAS RESIDENT OF- STEAMER GHAT ROAD OPPOSITE OF BHAIRAVBARI
WARD NUMBER-12
SRIBHUMI
PINCODE- 78871

Advocate for the petitioner(s): Mr. R Singha

Advocate for the respondent(s): Mr. I Borthakur,
Standing Counsel, Excise Department

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

07.10.2026

Heard Mr. R Singha, the learned counsel appearing on behalf of the Petitioners. Also heard Mr. I Borthakur, the learned Standing Counsel, Excise Department.

2. The present writ petition has been filed by the Petitioners alleging that there is a move on the part of the Excise Authorities to grant an *IMFL On Licence* to the respondent No.8 within the vicinity of the Respondent No.1 Trust.

3. The apprehension of the Petitioners is based upon an enquiry report dated 16.05.2026 wherein it was mentioned that a Shiv Mandir which is run by the Petitioners Trust is not a registered Trust. It is seen that inspite of the said enquiry report, the *IMFL On Licence* has not been issued to the Respondent No.8.

4. On the other hand, on 23.06.2026, the Superintendent of Excise, Sribhumi had directed the Petitioner Nos.2 and 3 to place the registration certificate along with the minutes of the proceedings and the total area of the concerned public place of worship in square feet. Subsequent thereto, on 26.06.2026, the registration certificate along with the minutes of the proceedings were submitted by the Petitioners.

5. Mr. I Borthakur, the learned counsel appearing on behalf of the Excise Department submitted that if an *IMFL On License* is to be issued, the same would be done so only after fulfilling the requirements in terms with Rule 289 of the *Assam Excise Rules, 2016*.

6. Taking into account the above, it is the opinion of this Court that the Petitioners apprehension that the Respondent Authorities would grant the *IMFL On Licence* appears to be misconceived.

7. Accordingly, this Court, therefore, is not inclined to entertain the instant writ petition and the same stands dismissed.

8. Be that as it may, this Court, however, observes that in the circumstance, any *IMFL On License* is issued to the Respondent No.8 in violation to the provisions of the *Assam Excise Act, 2000* or the Rules framed therein under, the Petitioners would be at liberty to approach this Court, again, if so advised.

JUDGE

Comparing Assistant