GAHC010227822026

2026:GAU-AS:15308

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

Case No. : WP(C)/5648/2026

RABINDRA MELA COMMITTEE
A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT, 1860, HAVING REGISTRATION NO. 1294 OF 1983- 1984, DATED 21 02 1984, HAVING ITS OFFICE AT HAILAKANDI TOWN, DISTRICT HAILAKANDI, ASSAM, REPRESENTED BY ITS WORKING PRESIDENT, SRI RAHUL ROY, AGED ABOUT 47 YEARS, S/O- SRI GAUTAM ROY, R/O- HAILAKANDI TOWN, WARD NO.9, P.O,. P.S. AND DIST. HAILAKANDI, ASSAM.

2: SRI PINAKI BHATTACHARJEE
S/O LATE ASHUTOSH BHATTACHARJEE
R/O SILCHAR ROAD
HAILAKANDI TOWN
WARD NO 1
DISTRICT HAILAKANDI
ASSAM
PIN 788151
GENERAL SECRETARY
RABINDRA MELA COMMITTEE
HAILAKANDI

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF CULTURAL AFFAIRS, DISPUR, GUWAHATI, ASSAM, PIN 781006

2:THE DISTRICT COMMISSIONER CUM DISTRICT MAGISTRATE
HAILAKANDI
DISTRICT HAILAKANDI
ASSAM
PIN 788151.

3:THE SUPERINTENDENT OF POLICE

HAILAKANDI
DISTRICT HAILAKANDI
ASSAM
PIN 788151

For the Petitioner (s) : Mr. T. J. Mahanta, Sr. Advocate
Mr. N. H. Barbhuiya, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. GA

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

09.10.2026

Heard Mr. T. J. Mahanta, the learned Senior Counsel assisted by Mr. N. H. Barbhuiya, the learned counsel appearing on behalf of the Petitioner. Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the Respondent Nos.1 to 3.

2. The present writ petition has been filed by the Petitioner alleging inaction on the part of the Respondent Nos.1, 2 and 3 in granting permission for holding the Rabindra Mela at the Mela ground from 15.12.2026.

3. It is seen that the owner of the land wherein the Rabindra Mela is being proposed to be held by the Petitioner granted the permission on 21.09.2026 from 01.12.2026 and within a period of

60 days therefrom. It is further seen that the Petitioner applied for permission on 18.09.2026, and thereupon, submitted a representation on 29.09.2026 which is not even 10 working days from today. In the representation, it stated that Rabindra Mela would be organized from 15.12.2026.

4. It is the opinion of this Court that the practice of filing a representation and thereupon to approach this Court by filing a writ petition seeking a direction for consideration is not a practice which should be encouraged more so when the Rabindra Mela is proposed to be held almost two months from today. Issuance of a direction to consider, amounts to issuance of a writ of mandamus. The writ of mandamus is issued when an authority had failed to exercise a duty conferred upon it by law. In the extant facts, it cannot be said that the authority had failed to exercise its duty to entitle the Petitioner for a writ in the nature of mandamus.

5. The learned Senior Counsel for the Petitioners submitted that as per the earlier practice, the permission used to be granted on the next date upon the permission being applied. The practice followed earlier, in the opinion of this Court cannot be a reason for issuance of a writ of mandamus. The reason being for granting a permission, various aspects have to be looked into by the Authority concerned.

6. Accordingly, this Court is not inclined to entertain the instant

writ petition at this stage for which the writ petition stands dismissed.

7. The dismissal of the instant writ petition, however, shall not preclude the Petitioner to again approach this Court if within 04.11.2026, the application so submitted on 18.09.2026 as well as the representation so submitted on 29.09.2026 is not been considered.

8. It is also clarified that the dismissal of the instant writ petition would not prejudice the Petitioner in respect to the consideration of the application dated 18.09.2026 and the representation dated 21.09.2026.

JUDGE

Comparing Assistant