

GAHC010025112026



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

Case No. : WP(C)/1047/2026

SRI ARUP KUMAR DAS
SON OF LATE KASHINATH DAS AND SMTI KANMAI DAS, THE RESIDENT
OF GINGIA, VILLAGE AND P.O-GINGIA, DISTRICT -BISWANATH, ASSAM,
PIN-784184.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
BISWANATH DISTRICT
BISWANATH CHARIALI
PIN-784176.

3:THE EXECUTIVE MAGISTRATE
BEHALI
DISTRICT-BISWANATH
PIN-784166

4:THE OFFICER IN CHARGE
GINGIA POLICE STATION
BISWANATH DISTRICT
PIN-784184

5:SRI SANTOSH THAKUR
SON OF LATE MUNNILAL THAKUR
RESIDENT OF JINJIYA
P.O./P.S.-JINJIYA
DISTRICT-SONITPUR
ASSAM

PIN-784001

Advocate for the Petitioner : MR. A NARZARI, MS. S T BOKTH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25.02.2026

Heard Shri A. Narzari, learned counsel for the petitioner. Also heard Shri J. Handique, learned State Counsel.

The instant writ petition has been filed with the following prayer:

“In the premises aforesaid, it is most respectfully prayed that your Lordships may be pleased to admit this writ petition, issue a Rule calling upon the Respondents to show cause as to why a writ in the nature of Certiorari should not be issued against them, directing the Respondent Authorities to dismiss the impugned Misc. Case No. 86/2025/59 filed by the private Respondent and also set aside and quash the impugned Order dated 09.01.2026 issued by the Respondent Authority and as to why a Writ in the nature of Mandamus should not be issued against the Respondent Authority directing the Respondent Authority to not issue any further order against the Petitioner.

-AND-

In the interim your Petitioner prays before this Hon'ble Court to pass an Order directing the Respondent Authority to stay the proceeding of the impugned Misc. Case No. 86/2025/59 filed by the private Respondent and also the impugned Order dated 09.01.2026 issued by the Respondent Authority for the ends of justice, equity and fair play.

And for this act of kindness, your petitioner as in duty bound shall ever pray.”

Though certain grounds have been cited, it clearly appears that no cause of action as such has arisen for which the extraordinary jurisdiction of this Court is required to be invoked.

The challenge is to a notice dated 07.01.2026 in which the appropriate authority is yet to pass any final order.

At this stage, Shri Narzary, the learned counsel prays for withdrawal of the writ petition with a liberty to approach as and when the cause of action arises.

In view of the aforesaid prayer, the writ petition is dismissed on withdrawal with liberty as prayed for.

JUDGE

Comparing Assistant