

GAHC010026872026



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

Case No. : WP(C)/741/2026

KACHUMARA ANDABHANGA MAHCHERA BAZAR ANCHALIK UNNAYAN
SAMITY

REPRESENTED BY ITS PRESIDENT, VILLAGE- MAHCHERA, P.O.
KACHUMARA, DISTRICT- BARPETA, ASSAM.

2: NUR SALAM

S/O SHARIF UDDIN

PRESIDENT OF KACHUMARA ANDABHANGA MAHCHERA BAZAR
ANCHALIK UNNAYAN SAMITY

VILLAGE- KASHIMPUR

P.O. KACHUMARA

DISTRICT- BARPETA

ASSA

VERSUS

THE STATE OF ASSAM

TO BE REPRESENTED BY THE COMMISSIONER, PANCHAYAT AND RURA
DEVELOPMENT DEPARTMENT, ASSAM, JURIPARA, PANJABARI,
GUWAHATI-37

2:THE BARPETA ZILA PARISHAD

BARPETA

REPRESENTED BY THE CHIEF EXECUTIVE OFFICER

BARPETA ZILA PARISHAD

P.O. AND DISTRICT- BARPETA

ASSAM.

3:THE CHIEF EXECUTIVE OFFICER

BARPETA ZILA PARISHAD

BARPETA

P.O. AND DISTRICT- BARPETA

ASSAM.

4:THE DISTRICT COMMISSIONER
BARPETA
P.O. AND DISTRICT- BARPETA
ASSAM.

5:THE CIRCLE OFFICER
CHENGA REVENUE CIRCLE
P.O. CHENGA
DISTRICT- BARPETA
ASSAM

6:NO 89
MAHCHERA GAON PANCHAYAT
REPRESENTED BY ITS SECRETARY
NO. 89
MAHCHERA GAON PANCHAYAT
P.O. MAHCHERA
DIST- BARPETA
ASSAM.

7:SRI SONOWAR HUSSAIN
S/O LATE SOBOR ALI
RESIDENT OF VILLAGE- KASHIMPUR
P.O. AND P.S. KACHUMARA
DISTRICT- BARPETA
ASSAM

Advocate for the Petitioner : MR. A K AZAD, MR M HUSSAIN,MR. N HAQUE,MR. P K ROYCHOUDHURY

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

13.02.2026

Heard Mr. N. Haque, learned counsel for the petitioners, who submits that the petitioner No.1 is a registered Society under the Societies Registration Act, having certain plots of land in village Machera under Boguribari Mauza in the District of Barpeta. The petitioner Society has

been running a private Hat (Market) in the said plot of land and while such is the position, the Chief Executive Officer, Barpeta Zila Parishad vide the impugned letter dated 30.01.2026 has settled the Kachumara Andabhanga Machera Bazar with a Cattle Market for the year 2025-2026 in favour of the respondent No.7 purportedly under Section 107 of the Assam Panchayat Amendment Act, 2023. Learned counsel for the petitioners submits that under the said provision, allotment of private Hats with prior approval of the concerned Panchayat authorities and Government is permissible and that the Panchayat authorities are not empowered to allot or settle private Hats in favour of any other party. He therefore, submits that settlement made in favour of respondent No.7 should be set aside.

In view of above, issue notice of motion returnable by three weeks.

Ms. M. Bora, learned Standing Counsel, Panchayat and Rural Development (P&RD) Department accepts notice on behalf of respondent Nos. 1, 2, 3 & 6, while Mr. S. R Barua, learned Government Advocate accepts notice on behalf of respondent Nos. 4 and 5.

Petitioners to furnish requisite extra copies of the writ petition to the learned counsel appearing for the respondents today within three working days.

Petitioners to take steps for service of notice upon respondent No.7 by speed post within three days.

Also issue notice on the interim prayer made by the petitioner returnable 23.02.2026.

Learned counsel for the respondents to obtain instructions by the next date.

List the matter on **23.02.2026** for consideration of the interim prayer.

JUDGE

Comparing Assistant