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

**Case No. : WP(C)/2495/2022**

1.LUCY SAWKMIE AND ANR  
W/O- (L) BIJOY BORO, R/O- 8TH MILE BARIDUA, DIST- RI-BHOI,  
MEGHALAYA.

2: AUGUSTIN NONGRUM  
S/O (L) M. SOHPOLANG  
R/O- 8TH MILE BARIDUA  
DIST- RI-BHOI MEGHALAYA

VERSUS

1.THE STATE OF ASSAM AND 6 ORS  
REP. BY ITS CHIEF SECRETARY, GOVT. OF ASSAM, GHY.-05.

2:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPTT. DISPUR GHY.-05.

3:JOINT SECRETARY  
GOVT. OF ASSAM HOME AND POLITICAL DEPTT.  
DISPUR GHY.-5.

4:COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
ANIMAL HUSBANDRY AND VETERINARY DEPTT.  
DISPUR GHY.-5.

5:JOINT SECRETARY TO THE GOVT. OF ASSAM  
ANIMAL HUSBANDRY AND VETERINARY DEPTT.  
DISPUR GHY.-5.

6:DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPTT.  
GOVT. OF ASSAM  
CHENIKUTHI GHY.-3.

7:STATE OF MEGHALAYA  
REP. BY ITS SECRETARY TO THE GOVT. OF MEGHALAYA  
ANIMAL HUSBANDRY AND VETERINARY DEPTT.  
SHILLONG 793001

For the Petitioner(s) : Mr. H.L. Shangreiso, Senior Advocate assisted by Mr. R. Islam, Mr. T. Dhkar, Mr. R. Majaw, Advocates.

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam assisted by Mr. K. Gogoi and Ms. P. Barua, Advocates.

– **BEFORE** –  
**HON’BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON’BLE MR. JUSTICE KAUSHIK GOSWAMI**

**03.12.2024**

(Vijay Bishnoi, CJ)

Mr. D. Saikia, learned Advocate General, Assam has fairly conceded that the amendment to Sub-Section (4) of Section 7 of the Assam Cattle Preservation Act, 2021 (hereinafter referred to be as “the Act of 2021”) brought into vide Notification dated 28.01.2022, restricts the jurisdiction of the competent authority to issue permit only to the agency or farm, registered under the Animal Husbandry and Veterinary Department, Assam and in view of the said amendment, any individual cannot move an application seeking permit for transport of cattle for *bonafide* agricultural or animal husbandry purposes or for transportation of cattle for trade through the State of Assam.

Mr. Saikia has submitted that the State Government has principally agreed to make suitable amendment in the Act of 2021 to enable any individual to apply for permit for transport of cattle for *bonafide* agricultural or animal husbandry purposes or for transportation of cattle for trade through the State of Assam.

Mr. Saikia, has also submitted that there are certain other grey areas in the Act

of 2021 and the Rules made thereunder and the State Government is actively considering to remove the same.

Mr. Saikia prays for 2(two) months' time to do the needful.

In view of above submission, we deem it appropriate to grant time to the State to do the required exercise.

In the meantime, the petitioner is allowed to move application seeking permit for transportation of cattle through the State of Assam for *bonafide* agricultural or animal husbandry purposes or for trade within a period of 2(two) weeks.

In any such application is moved by the petitioner within a period of 2(two) weeks, the respondents are directed to consider and decide the same by issuing a speaking order after providing opportunity of hearing to the petitioner, while ignoring the restriction imposed by sub-Section (4) of Section 7 of the Act of 2021, wherein only an agency or farm registered under the Animal Husbandry and veterinary Department, Assam can apply for issuing permit within a period of 2(two) weeks from the date of submission of such application by the petitioner.

List this matter in the month of February, 2025.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**