

GAHC010078362025



2026:GAU-AS:2952

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

Case No. : WP(C)/2154/2025

MANINDRA KR. DAS
LICENSE OF JMLF OFF SHOP AND PARTNER OF M/S SUCHITRA STORE,
S/O- LATE BALAHARI DAS
R/O- LEDO BAZAR, PO -LEDO, PS- MARGHERITA,
PIN- 786182, DIST.- TINSUKIA,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
EXCISE DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER OF EXCISE
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-781006

3:THE DEPUTY COMMISSIONER
EXCISE DEPARTMENT
TINSUKIA
P.O. AND P.S. - TINSUKIA
DIST.- TINSUKIA
ASSAM

PIN- 786125

4:THE SUPERINTENDENT OF EXCISE
TINSUKIA
P.O. AND P.S. - TINSUKIA
DIST.- TINSUKIA

ASSAM

PIN- 786125

5:THE DEPUTY SUPERINTENDENT OF EXCISE
MARGHERITA

PO. AND P.S- MARGHERITA

DIST.- TINSUKIA
ASSAM
PIN- 78618

For the Petitioner(s) : Mr. P. K. Roychooudhury, Advocate

For the Respondent(s) : Mr. K. P. Pathak, SC, Excise Deptt.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.02.2026

Heard Mr. P. K. Roychoudhury, the learned counsel appearing on behalf of the petitioner. Mr. K. P. Pathak, the learned counsel appears on behalf of the Excise Department.

2. The petitioner is aggrieved by the decision of the Government to close down the IMFL shop situated within 500 meters from the outer edge of the National/State Highways in the Gaon Panchayat area, and therefore, has sought for various

directions.

3. Mr. K. P. Pathak, the learned counsel appearing on behalf of the respondents submits that the petitioner to be eligible for an IMFL "On" or "Off" license has to comply with Rules 289 to 292 of the Assam Excise Rules, 2016, and if the petitioner submits an application as per the procedure mandated in Rule 294A of the Assam Excise Rules, 2016, the Respondent Authorities shall duly consider the same.

4. Taking into account the said submission, Mr. P.K. Roychoudhury, the learned counsel appearing on behalf of the petitioner submits that the petitioner would not like to further proceed with the instant writ petition, rather the petitioner would file an application before the concerned authorities as per the provisions of law. He, however, submits that in the circumstance such application is rejected, the petitioner be given the liberty to approach this Court.

5. Taking into account the above, the instant writ petition therefore stands closed on withdrawal.

6. The petitioner would be at liberty to file appropriate application seeking shifting of the IMFL "Off" license by complying with the mandate of Rules 289 to 292 of the Assam Excise Rules, 2016.

7. It is further observed that in the circumstance the petitioner is aggrieved by the rejection, the petitioner would be at liberty to approach this Court.

JUDGE

Comparing Assistant