

GAHC010144432026



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

Case No. : WP(C)/3739/2026

MOFIZ UDDIN
S/O JAFAR ALI VILL RANGAGORA NO. 1 P.O. RANGAGORA NO. 2., P.S.
DHEKIAJULI DIST SONITPUR ASSAM .

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF HOUSING AND URBAN AFFAIRS, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-6.

2:THE DIVISIONAL FOREST OFFICER

SONITPUR WEST DIVISION
TEZPUR
DIST SONITPUR ASSAM

3:THE RANGE FOREST OFFICER

DHEKIAJULI RANGE
DHEKIAJULI P.O. DHEKIAJULI DIST SONITPUR ASSAM PIN 784110

4:THE DHEKIAJULI MUNICIPAL BOARD

REPRESENTED BY ITS EXECUTIVE OFFICER
SWAHID NAGARI
DHEKIAJULI
P.O. DHEKIAJULI
PIN 784110 DIST SONITPUR ASSA

Advocate for the Petitioner : MR. A H M R CHOUDHURY, MRS H AHMED,MR. SAYED
SALIM AHMED

Advocate for the Respondent : GA, ASSAM, SC, FOREST

Linked Case : WP(C)/3646/2026

SAJID SHEIKH
S/O ABDUL GAFUR SHEIKH
RESIDENT OF WARD NO. 1
DHEKIAJULI
P.O. AND P.S. DHEKIAJULI
DIST SONITPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6.

2:THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION
TEZPUR
DIST SONITPUR
ASSAM

3:THE RANGE FOREST OFFICER
DHEKIAJULI RANGE
DHEKIAJULI
P.O. DHEKIAJULI
DIST- SONITPUR
ASSAM
PIN- 784110

4:THE DHEKIAJULI MUNICIPAL BOARD
REPRESENTED BY ITS EXECUTIVE OFFICER
SWAHID NAGARI
DHEKIAJULI
P.O. DHEKIAJULI
PIN 784110 DIST SONITPUR (ASSAM)

Advocate for : MR H R A CHOUDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3649/2026

ABDUL GAFUR SEKH
S/O LATE SUKUR ALI SEKH
RESIDENT OF WARD NO. 1
DHEKIAJULI
P.O. AND P.S. DHEKIAJULI
DIST-SONITPUR
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6.

2:THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION
TEZPUR
DIST- SONITPUR
ASSAM

3:THE RANGE FOREST OFFICER
DHEKIAJULI RANGE
DHEKIAJULI
P.O. DHEKIAJULI
DIST- SONITPUR
ASSAM
PIN -784110.

4:THE DHEKIAJULI MUNICIPAL BOARD
REPRESENTED BY ITS EXECUTIVE OFFICER
SWAHID NAGARI
DHEKIAJULI
P.O. DHEKIAJULI
PIN- 784110

DIST- SONITPUR
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3648/2026

M/S HUSSAIN FURNITURE
DHEKIAJULI
REPRESENTED BY THE PROPRIETOR NAMELY
SADDAM HUSSAIN
(AGE 34 YEARS) SON OF IKRAMUL HOQUE
RESIDENT OF WARD NO.6
DHEKIAJULI TOWN
P.O- DHEKIAJULI
P.S DHEKIAJULI
DISTRICT-SONITPUR
ASSAM
PIN- 784110

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI
ASSAM
PIN-781006

2:THE SPECIAL CHIEF SECRETARY
ENVIRONMENT
FOREST AND CLIMAT CHANGE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI
ASSAM
PIN-781006

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI

GUWAHATI- 781037

4:THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION
P.O AND P.S TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001

5:THE RANGE FOREST OFFICER
DHEKIAJULI RANGE
P.O- DHEKIAJULI
P.S DHEKIAJULI
DISTRICT- SONITPUR
ASSAM
PIN-784110

6:THE DISTRICT COMMISSIONER
SONITPUR
P.O AND P.S TEZPUR
DISTRICT SONITPUR
ASSAM
PIN-784001

7:THE SUPERINTENDENT OF POLICE
SONITPUR
P.O AND P.S TEZPUR
DISTRICT-SONITPUR
ASSAM
PIN- 784001

8:THE CO-DISTRICT COMMISSIONER
DHEKIAJULI CO-DISTRICT
P.O DHEKIAJULI
P.S DHEKIAJULI
DISTRICT-SONITPUR
ASSAM
PIN-784110

9:THE DHEKIAJULI MUNICIPAL BOARD
REPRESENTED BY THE EXECUTIVE OFFICER
P.O- DHEKIAJULI
P.S DHEKIAJULI
DISTRICT- SONITPUR
ASSAM
PIN- 784110

10:THE OFFICER-IN-CHARGE

DHEKIAJULI POLICE STATION
P.O. DHEKIAJULI, P.S. DHEKIAJULI
DISTRICT-SONITPUR
ASSAM, PIN-784110

Advocate for : MR. A M AHMED
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 9 ORS

Linked Case : WP(C)/3645/2026

RAFIQUL ISLAM
S/O JAFAR ALI
VILL.- RANGAGORA NO. 1
P.O. RANGAGORA NO. 2
P.S. DHEKIAJULI, DIST- SONITPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF HOUSING AND URBAN AFFAIRS
ASSAM SECRETARIAT
DISPUR, GUWAHATI-6.

2:THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION
TEZPUR, DIST- SONITPUR
ASSAM, PIN -784001.

3:THE DHEKIAJULI MUNICIPAL BOARD
REPRESENTED BY ITS EXECUTIVE OFFICER
SWAHID NAGARI
DHEKIAJULI
P.O. DHEKIAJULI
DIST- SONITPUR
ASSAM
PIN- 784110.

4:THE RANGE FOREST OFFICER
DHEKIAJULI RANGE
DHEKIAJULI
P.O. DHEKIAJULI
DIST-SONITPUR

ASSAM
PIN- 784110.

Advocate for : MR H R A CHOUDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

21.07.2026

Heard Shri H. R. A. Choudhury, learned Senior Counsel assisted by Shri A. M. Ahmed and Shri S. S. Ahmed, learned counsel for the petitioners.

The petitioners are aggrieved by, amongst others, actions of sealing of showroom/manufacturing unit/godown which are connected with timber business. It is contended that the petitioners have Trade Licence and are following all the requirements of law and running their respective business. It is also contended that such sealing has been done without any prior notice.

When these matters had come up for consideration on the previous occasion, this Court had directed Shri D. Gogoi, learned Standing Counsel, Forest Department to obtain the instructions. Pursuant to the same, written instructions dated 20.07.2026 have been obtained.

At the outset, Shri Gogoi, the learned Standing Counsel has submitted that so far as the petitioners in WP(C)/3645/2026 (Rafiqul Islam) and WP(C)/3739/2026 (Mofiz Uddin) are concerned, there is no action taken by the Forest Department and therefore there may not be any existing cause of action.

It is however required to record the immediate response of the learned Senior Counsel who, upon instructions has submitted that the establishment of

the said two petitioners still continue to be under seal.

So far as the other writ petitions are concerned, the learned Standing Counsel has drawn the attention of this Court to the ***Assam Wood Based Industries (Promotion & Development) Rules, 2022*** which, amongst others, mandate a requirement of getting the unit registered under a Registration Committee. Specific reference has been made to Rule 8 and Rule 8 A (4) which defines the "Registration Committee" under which such registration is required. He has submitted that in spite of repeated notices to the units to get those registered, no registration was done leading to the impugned action on 30.05.2026. He has accordingly submitted that the impugned action is fully justified.

On the other hand, the learned Senior Counsel for the petitioners has reiterated that no notice was issued before the sealing. He has submitted that pursuant to the impugned action, one of the petitioner has applied for such registration.

The issue would require some deliberation.

Let **notice** be issued, returnable on **04.08.2026**.

Shri G. Bokalia, learned State Counsel accepts notice on behalf of the State Authorities whereas Shri D. Gogoi, learned Standing Counsel, Forest Department accepts notice on behalf of the Forest Departments and its officials.

Let steps be taken for service of notice by the speed post with A/D within 2 (two) days upon the Dhekiajuli Municipal Board which has been arrayed as respondent in the following manner:

Respondent No. 3 in WP(C)/3645/2026

Respondent No. 4 in WP(C)/3646/2026

Respondent No. 9 in WP(C)/3648/2026

Respondent No. 4 in WP(C)/3649/2026

Respondent No. 4 in WP(C)/3739/2026

For the aforesaid respondent, *dasti* service is also granted which is however required to be routed through the Registry of this Court and the notice accompanying the *dasti* should clearly reflect the next date fixed. Prior to the next date fixed, the petitioner is required to file an affidavit in proof of such *dasti* service.

So far as the petitioners in WP(C)/3645/2026 and WP(C)/3739/2026 are concerned, since the Forest Department has, in its written instructions categorically stated that there is no action taken by the Forest Department, the petitioners be allowed to run their business unless there is any other legal bar which has to be indicated by the next date.

So far as the other cases are concerned, if applications for registration have been filed or would be filed, those are required to be considered in accordance with law without being influenced by the fact of the present challenge being instituted in these writ petitions. Considering the subject matter involved this Court would explore the option of taking up the writ petitions for final disposal at the admission stage.

Written instructions be kept with the records.

JUDGE

Comparing Assistant