

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)/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
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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 KAUSHIK GOSWAMI**

ORDER

Date : 14.08.2026

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. AHMR Choudhury, learned counsel appearing for the petitioners. Also heard Mr. R. Talukdar, learned Government Advocate appearing for the State respondent and Mr. R. R. Gogoi, learned Standing Counsel, Forest Department.

2. It appears that on the last occasion, i.e., on 21.07.2026, this Court, on the basis of the submission made by the learned Standing Counsel, Forest Department, had categorically recorded that, insofar as the petitioners in WP(C) No. 3739/2026 (Mofiz Uddin) and WP(C) No. 3645/2026 (Rafiqul Islam) are concerned, no action had been taken by the Forest Department against them. Accordingly, the petitioners were permitted to run their respective businesses unless there was any other legal impediment. The authorities were, however, directed to inform the Court on the next date of listing in the event there existed any such legal bar.

3. Pursuant to the aforesaid order, the matters were listed before this Court on 04.08.2026 and again on 05.08.2026. However, on both occasions, no such instruction was placed before the Court.

- 4.** Mr. HRA Choudhury, learned Senior Counsel, submits that, till date, the furniture shops of the petitioners continue to remain under seal. He further submits that the said shops have been sealed by the Dhekiajuli Municipal Board.
- 5.** It appears that, despite due service of notice through dasti process, as brought on record by way of an affidavit of service, the Dhekiajuli Municipal Board has chosen not to enter appearance in the present proceedings. At the same time, it is brought to the notice of this Court that the furniture shops of the petitioners continue to remain under seal, notwithstanding the fact that no seizure or sealing action was ever initiated by the Forest Department against the petitioners or their establishments and no forest offence case has, at any relevant point of time, been registered against them.
- 6.** In view of the aforesaid circumstances, and particularly in the absence of any instruction or material being placed before this Court, despite repeated opportunities, indicating the existence of any legal bar to the petitioners reopening and operating their furniture shops, the respondent Dhekiajuli Municipal Board is directed to remove the seal and open the furniture shops of the petitioners within a period of one week from today, thereby permitting the petitioners to carry on their businesses in accordance with law.
- 7.** Let a copy of this order be immediately communicated to the respondent Dhekiajuli Municipal Board through the jurisdictional Police Station for necessary compliance.
- 8.** Let a copy of this order also be furnished to Mr. D. Nath, learned Senior Government Advocate, for forwarding the same to the jurisdictional Police Station, which shall ensure service and communication of the order upon the

respondent Dhekiajuli Municipal Board and facilitate compliance with the direction issued hereinabove within the stipulated period.

9. List the matters again on 21.08.2026.

10. It is made clear that, on the next date of listing, Mr. D. Nath, learned Senior Government Advocate, shall place before this Court updated instructions, along with a report from the jurisdictional Police Station regarding the service and communication of this order upon the respondent Dhekiajuli Municipal Board and compliance thereof.

JUDGE

Comparing Assistant