

GAHC010147292026



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

Case No. : WP(C)/3719/2026

MS BARAK INDUSTRIES
TO BE REPRESENTED BY ITS PROPRIETOR MARTUZA HUSSAIN
MAZUMDER, AGED ABOUT 41 YEARS SON OF LATE ABDUL HANNAN
MAZUMDER RESIDENT OF ALAKULIPUR POST OFFICE - BADARPURGHAT
DISTRICT- SRIBHUMI, ASSAM, 788803

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, INDUSTRIES, COMMERCE AND PUBLIC ENTERPRISE
DEPARTMENTS, FBLOCK 1ST FLOOR, ASSAM SECRETARIAT, GS ROAD,
GUWAHATI, 781006

2:THE MANAGING DIRECTOR
ASSAM SMALL INDUSTRIES DEVELOPMENT CORPORATION LIMITED
ASIDC
M.R.D. ROAD
BAMUNIMAIDAM
GUWAHATI
781021

3:THE DISTRICT COMMISSIONER
SRIBHUMI
DEPUTY COMMISSIONER OFFICE ROAD
SRIBHUMI
ASSAM
788710

4:THE IN CHARGE
ZONAL OFFICE
ASIDC LTD
BADARPURGHAT
SRIBHUMI

788803

5:THE ESTATE OFFICER
INDUSTRIALESTATE BADARPURGHAT
SRIBHUMI
ASSAM
78880

Advocate for the Petitioner : MR A R BHUYAN, MR. A S CHOUDHURY,MR N Z CHOUDHURY,MR N A MAZARBHUIYA

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 17.07.2026

Heard Mr. A.R. Bhuyan, learned Senior Counsel assisted by Mr. M.A. Mazarbhuiya, learned counsel for the petitioner; Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 1 & 3; and Mr. S. Das, learned Standing Counsel, ASIDC for the respondent nos. 2, 4 & 5.

2. The petitioner was allotted a space/industrial shed measuring 5000 sq. ft. at Industrial Estate, Badarpurhat, District – Sribhumi [erstwhile Karimganj] by the respondent ASIDC Ltd. on 22.02.2021 on 'as is where is basis'. Thereafter, an agreement was executed between the parties on 16.08.2021, which provided for a gestation period of 6 months from the date of execution. On 22.06.2026, the respondent no. 2 served a notice upon the petitioner to show cause as to why the allotment made in favour of the petitioner should not be cancelled. In the show cause notice, it was mentioned that it had come to the notice of the respondent ASIDC authorities that the space/industrial shed measuring 5000 sq.

ft., allotted to the petitioner, had not been utilized for a period of more than 5 years and there was no industrial activity at the site on the date of inspection on 12.06.2026. In response to the show cause notice, the petitioner submitted a reply on 27.06.2026 showing cause as to why the allotment made in favour of the petitioner should not be cancelled. But, by an Order dated 08.07.2026, the respondent no. 2 has cancelled the allotment of the space/industrial shed at the Industrial Estate on the ground that the reply submitted by the petitioner is not found satisfactory. By the impugned Order dated 08.07.2026, the petitioner has been asked to hand over the possession of the allotted space/industrial shed to the respondent ASIDC/respondent no. 5 by 15.07.2026, failing which the respondent ASIDC Ltd. shall initiate the eviction process as per the provisions of the Assam Public Premises [Eviction of Unauthorised Occupants] Act, 1971 and the Government Notification no. 535365/14 dated 03.10.2024.

3. Mr. Bhuyan, learned Senior Counsel appearing for the petitioner has submitted that the grounds shown by the petitioner in the reply has not been duly considered by the respondent no. 2. Not only there is such non-consideration, the respondent no. 2 in cancelling the allotment, has referred to certain extraneous reason regarding non-deposit of the rental against industrial shed, which was not mentioned in the show cause notice.

4. Mr. Das, learned Standing Counsel, ASIDC has submitted that the agreement dated 16.08.2021 is a non-statutory contract and the petitioner in a writ petition, which is a public law remedy, cannot enforce the terms and conditions of such non-statutory contract. He has submitted that a notice was duly served upon the petitioner as per the terms and conditions of the

agreement and there is failure on the part of the petitioner to start any industrial activity within the stipulated gestation period and the measure has to be taken also in public interest. It is further submitted that no process under the Assam Public Premises [Eviction of Unauthorised Occupants] Act, 1971 has been initiated till date and if such process is initiated, the petitioner would have all the remedy to rebut the claim as regards unauthorised occupation and as such, the writ petition is not to be entertained being not maintainable.

5. The matter would require consideration.

6. Issue notice, returnable on 19.08.2026.

7. As Ms. Barman, learned Junior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 1 & 3; and Mr. Das, learned Standing Counsel, ASIDC has appeared and accepted notice on behalf of the respondent nos. 2, 4 & 5, issuance of formal notices to the said respondents are dispensed with. However, requisite nos. of extra copies of the writ petition along with annexures are to be furnished to Ms. Barman and Mr. Das within 2 [two] working days from today.

8. The prayer for interim relief as well as the issue of maintainability of the writ petition is kept open for consideration on the returnable date.

JUDGE

Comparing Assistant