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

Case No. : WP(C)/3932/2026

ASHIM ROY
SON OF LATE ABINASH ROY, RESIDENT OF MOIRABARI, P.S. -
MOIRABARI, DISTRICT- MORIGAON, ASSAM, PIN -782126

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
ASSAM, GUWAHATI-6

2:THE COMMISSIONER PANCHAYAT AND RURAL DEVELOPMENT
ASSAM JURIPAR
PANJABARI
GUWAHATI37
ASSAM DEVELOPMENT
ASSAM JURIPAR
PANJABARI
GUWAHATI37
ASSAM

3:THE DISTRICT COMMISSIONER
MORIGAON
ASSAM
PIN-782105

4:THE MORIGAON ZILA PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICE
P.O. AND P.S.- MORIGAON
DISRTICT- MORIGAON
ASSAM PIN- 782105

5:THE CHIEF EXECUTIVE OFFICER
MORIGAON ZILA PARISHAD P.O. AND P.S. - MORIGAON

DISTRICT- MORIGAON
ASSAM PIN-782105

6:THE MOIRABARI ANCHALIK PANCHAYAT
REPRESENTED BY ITS EXECUTIVE OFFICER
P.O. AND P.S. - MORIGAON
DISTRICT- MORIGAON
ASSAM PIN-782126

7:THE EXECUTIVE OFFICER
MOIRABARI ANCHALIK PANCHAYAT P.O. AND P.S. - MORIGAON
DISTRICT- MORIGAON
ASSAM PIN-782126

8:SHOHIDUL ISLAM
SON OF HAMED ALI MOIRABARI. DISTRICT-MORIGAON ASSAM 782126

9:MD JIADUL ISLAM
SON OF HAMED AL RESIDENT OF MOIRABARI
P.O. AND P.S.-MOIRABARI
DISTRICT MORIGAON
ASSAM
PIN-782126

Advocate for the Petitioner : MR. P P DUTTA, MS P SARMA,MS. P P DAS

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

29.07.2026

Heard Shri P. P. Dutta, learned counsel for the petitioner, who by means of this petition has put to challenge the action of the respondent authorities in extending the settlement of the earlier lessees for the Markets in question. It is submitted that the settlement of the Moirabari Daily market and Moirabari Bi-weekly markets for the years 2025-26 had come to an end on 30.06.2026 and instead of initiating fresh process for settlement, vide the impugned order,

extension has been sought to be granted. It is submitted that such action apart from being in conflict with the statutory prescription made in Section 105 (5) of the ***Assam Panchayat Act, 1994*** is also violative of the directions of this Court.

Let **notice** be issued, returnable on **28.08.2026**.

Shri S. Dutta, learned Standing Counsel, P&RD accepts notice on behalf of respondent nos. 1, 2, 4 to 7 whereas Shri S. R. Baruah, learned State Counsel accepts notice on behalf of respondent no. 3.

Extra copies of the writ petition be served upon them within 2 (two) days.

Let steps for service of notice upon the respondent nos. 8 & 9 be taken by speed post with A/D within 2 (two) days.

Shri Dutta, the learned counsel for the petitioner prays for an interim order.

Considering the prescription of law as provided by Section 105 (5) of the Act and also the earlier directions of this Court, the impugned order dated 30.06.2026 is stayed till the returnable date.

The respondent authorities would however be at liberty to run the market on their own.

JUDGE

Comparing Assistant