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

Case No. : WP(C)/4392/2026

ABHAYAPURI GAON PANCHAYAT AND ANR
REPRESENTED BY ITS WARD MEMBER OF WARD NO. 9, SRI ATAUR
RAHMAN CHOUDHURY, AGED ABOUT 33 YEARS, S/O- GASIBAR RAHMAN
CHOUDHURY, RESIDENT OF VILLAGE- RAJAPUKHURI BAGICHA, P.O.-
CHAMUAKHAT, P.S.- DHULA, DISTRICT- DARRANG, ASSAM, PIN-784190

2: PUB-MANGALDAI ANCHALIK PANCHAYAT
NO. 46 ABHAYPUKHURI GAON PANCHAYAT
REPRESENTED BY ITS MEMBER SRI SHAJAHAN ALI
AGED ABOUT 43 YEARS SON OF JAFAR ALI
RESIDENT OF VILLAGE- RAJAPUKHURI BAGICHA
P.O.- CHAMUAKHAT
P.S.- DHULA
DISTRICT- DARRANG
ASSAM
PIN-784190

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
JURIPAR
GUWAHATI-37.

3:DARRANG ZILLA PARISHAD
MANGALDAI

REPRESENTED BY THE CHIEF EXECUTIVE OFFICER
DIST.- DARRANG
ASSAM

4:THE CHIEF EXECUTIVE OFFICER
DARRANG ZILLA PARISHAD
MANGALDAI
DIST.- DARRANG
ASSAM

5:THE ACCOUNTANT
DARRANG ZILLA PARISHAD
MANGALDAI
DARRANG
DIST. DARRANG
ASSAM

6:THE DISTRICT COMMISSIONER
DARRANG
DIST.- DARANG
ASSA

Advocate for the Petitioner : MR. A SARMA, MR. M HUSSAIN,MR H MAZUMDER,MR. W RAHMAN

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.08.2026

Heard Shri A. Sarma, learned counsel for the petitioners, who are aggrieved by an order dated 01.07.2026 issued by the In-charge, CEO, Darang Zila Parishad whereby an individual who is the Peon of the Darrang Zila Parishad has been authorised to collect tolls from the Ambachowk Cattle Market on behalf of the Office with effect from 01.07.2026.

The learned counsel at the outset has submitted that the challenge was initially made by two members of the Panchayat and the said writ petition being

WP(C)/4056/2026 was however withdrawn on 31.07.2026 with a liberty to approach through the appropriate person and accordingly the present petition has been filed. He has drawn the attention of this Court to Section 105 of the ***Assam Panchayat Act, 1994*** which deals with settlement of *hats* by the Anchalik Panchayats. Specific attention of this Court has been drawn to the provisions of Sections 105 (5) and 105 (7). He has submitted that the annual value of the market is less than Rs. 1 lakh and therefore the Gaon Panchayat would have the authority under Section 105 (5).

On the other hand, Shri Dutta, learned Standing Counsel, P&RD has submitted that there is a process for switching over from off line mode to online mode and therefore, the present arrangement is a temporary one. He further submits that the process is almost over and fresh NIT would be issued by following the new mode shortly.

Be that as it may, let **notice** be issued, returnable on **14.09.2026**.

Shri Dutta, the learned Standing Counsel, P&RD accepts notice on behalf of respondent nos. 1, 2, 3, 4 & 5 whereas Shri G. Bokalia, learned State Counsel accepts notice on behalf of respondent no. 6.

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

Shri Sarma, the learned counsel for the petitioner prays for an interim order which however is resisted by Shri Dutta, the learned Standing Counsel, P&RD who has contended that the arrangement is a temporary one which would come to an end shortly on adopting the new process.

Be that as it may, since the arrangement appears to be in clear violation of the statutory mandate, the impugned order dated 01.07.2026 is suspended till the next returnable date.

Suspension of the same however would not come into the way for switching over to the new mode.

The collection of the tolls has to be done strictly in accordance with law.

JUDGE

Comparing Assistant