

GAHC010174692023



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

Case No. : WP(C)/4609/2023

SUBHAM DAS AND 5 ORS
S/O- SUSANKAR DAS ,
R/O- MAISAM GAON, BARPATHAR,
P.O- RAJAGAON BARPANI,
P.S- KACHUA,
DIST- NAGAON, ASSAM

2: DIPANKAR SAHA
S/O- JUSHNA SAHA

R/O- MAISAM GAON
BARPATHAR

P.O- RAJAGAON BARPANI

P.S- KACHUA

DIST- NAGAON
ASSAM

3: PADHYANDRA PAL
S/O- LATE KASHI NATH PAL

R/O- MAISAM GAON
BARPATHAR

P.O- RAJAGAON BARPANI

P.S- KACHUA

DIST- NAGAON
ASSAM

4: SADIP SARKAR

S/O- BINAY SARKAR

R/O- LENGERI
BARPATHAR

P.O- RAJAGAON BARPANI

P.S- KACHUA

DIST- NAGAON
ASSAM

5: BABUL BARMAN
S/O- KHITISH BARMAN

R/O- MAISAM GAON
BARPATHAR

P.O- RAJAGAON BARPANI

P.S- KACHUA

DIST- NAGAON
ASSAM

6: MITHUN NANDI
S/O- KANULAL NANDI

R/O- MAISAM GAON
BARPATHAR

P.O- RAJAGAON BARPANI

P.S- KACHUA

DIST- NAGAON
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL

DIPHU

KARBI ANGLONG
ASSAM
PIN-782460

3:THE COMMISSIONER OF TAXES
DEPARTMENT OF TAX
KAR BHAWAN
DISPUR
GUWAHATI-05
ASSAM

4:THE SUPERINTENDENT OF TAXES
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

5:THE DEPUTY COMMISSIONER OF TAXES
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

6:THE DEPUTY COMMISSIONER
NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MR A SHARMA, MR I AHMED,MR G BAISHYA

Advocate for the Respondent : GA, ASSAM, SC, TAXES,SC, K A A C

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

22.10.2025

Heard Mr G Baishya, learned counsel appearing for the petitioners. Also heard Mr J Chutia, learned counsel appearing for the respondent/Karbi Anglong Autonomous Counsel as their Standing Counsel.

2. The issue in this writ petition is with regard to the notice dated 05.04.2023, issued by the Karbi Anglong Autonomous Council authorities, alleging that the petitioners have violated the provisions of Section 3 of the Karbi Anglong District (Trading by Non-Tribals) Regulations, 1953. While it is the stand of the petitioners that the land where the petitioners are carrying a business, does not fall under the Karbi Anglong Autonomous Council Area, the respondents assert that the premises fall within the land belonging to the said Council and , therefore, the petitioners are required to act in accordance with the provisions of the Karbi Anglong District (Trading by Non-Tribals) Regulations, 1953.

3. An affidavit-in-opposition has been filed by the Karbi Anglong Autonomous Council and an affidavit-in-reply has also been filed by the petitioners.

4. Today, when the matter has been taken up, the learned Standing Counsel for the Autonomous Council, has produced the notification dated 29th of August, 2025, issued by the Governor of Assam, framing a commission under the chairmanship of an Additional Chief Secretary to the Government of Assam, with the following Terms of Reference-

- i) Issue public notices to invite claims and objection from stakeholders;
- ii) Hold consultation and receive representations;
- iii) Evaluate historical, demographic, administrative, geographical and socio-cultural aspects; and
- iv) Submit a report with clear recommendations for inclusion and exclusion of villages with respect to KAAC authorities.

5. Mr Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council, has also produced before this Court an order dated 25.06.2025, passed in WP(C) No. 3006/2017, which according to the learned Standing Counsel for the Karbi Anglong Autonomous Council, would also mitigate the case of the petitioner.

6. Mr G Baishya has sought for some time to have his instructions, on the contentions of Mr Chutia.
7. Allowing such time, list this matter again on 4th of November, 2025, for further consideration.

JUDGE

Comparing Assistant