

GAHC010174692023



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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
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : --04.11. 2025

Heard Mr. G. Baishya, learned counsel appearing for the petitioner. Also heard Mr. J. Chutiya, learned standing counsel appearing for Karbi Anglong

Autonomous Council as their Standing Counsel, Mr. B. Gogoi, learned counsel appears for the Department of Taxes and Ms. N. Barman, learned Counsel appears for the respondent No. 6.

2. After the matter is heard at some length, and when this Court has taken up the matter for disposal, Mr. J. Chuitia, learned standing counsel, appearing for the respondent No. 2 has raised an objection on the maintainability of the writ petition on the ground that the Karbi Anglong Autonomous Council has not been arrayed as a party respondent in the writ petition and therefore, no effective orders qua the Karbi Anglong Autonomous Council, can be passed in these proceedings. He has submitted that he would be placing the judgments to support his contentions and also file his written arguments on the issue.

3. List this matter again on 28.11.2025 to enable Mr. Chuita, to file his written arguments and the case law sought to be cited by him.

JUDGE

Comparing Assistant