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

Case No. : WP(C)/6994/2025

PRAFULLA BORO
S/O BAREN BORO,R/O VILLAGE - AGCHIA,P.S.BARAMA, P.O.-
DALBARI,DISTRICT BAKSA, ASSAM,2OF NATURALPIN - 781333.

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT,
DISPUR,GUWAHATI-6..

2:THE BODOLAND TERRITORIAL COUNCIL
REP. BY ITS PRINCIPAL SECRETARY
BTC KOKRAJHAR
P.O AND DIST- KOKRAJHAR
ASSAM
PIN-783370

3:THE SECRETARY

MARKET AND AFFAIRS DEPARTMENT
BTC
KOKRAJHAR
P.O AND DIST- KOKRAJHAR
ASSAM
PIN-783370

4:THE DISTRICT COMMISSIONER
BAKSA
MUSHALPUR
PIN-781333

5:THE BLOCK DEVELOPMENT OFFICER
TIHU BARAMA DEVELOPMENT BLOCK

BAKSA
MUSHALPUR
PIN-781333

6:THE SUPERINTENDENT OF POLICE
BAKSA
PIN-781333

7:THE OFFICER IN CHARGE
BARAMA POLICE STATION
P.O- BARAMA
DIST- BAKSA
PIN-78133

Advocate for the Petitioner : MS F INTAZ, MR. W A SHEIKH,MR. M A SHEIKH

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

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

22-01-2026

Heard Shri M. A. Sheikh, learned counsel for the petitioner. Also heard Shri Amit Bhuyan, learned counsel appearing on instructions of Shri A. K. Bhuyan, learned Standing Counsel, BTC; Ms. U. Das, learned State Counsel and Shri A. K. Ghosh, learned counsel appearing on behalf of Shri S. Dutta, learned Standing Counsel, P&RD.

2. Considering the facts and circumstances including the stand of the BTC in its affidavit filed on 07.01.2026, this writ petition is taken up for disposal at the admission stage.

3. As per the facts projected, the Bari-Makha Cattle Market was settled with the petitioner for the year 2022-23. Though the period of settlement was for a year, the petitioner claims to have been running the market and collecting tolls. However, for the year 2025-26, no tender has been invited. The petitioner claims to have filed representation on 19.11.2025 which was not taken into consideration. Accordingly, the instant petition has been filed.

4. Shri Sheikh, the learned counsel has drawn the attention of this Court to an order dated 26.06.2023 passed by this Court in an earlier proceeding WP(C)/3747/2023 whereby this Court, while issuing notice had stayed a communication dated 09.06.2023 issued by the Superintendent of Police (Baksa) whereby a direction was given to the Principal Secretary, BTC to cancel a tender process for settlement of the market in question. This Court had made an observation with regard to the competence/jurisdiction of the Superintendent of Police to issue such a direction. He has submitted that only because there is a change in regime, the impugned action has been taken so as to favour some other persons of the choice of the present regime.

5. *Per contra*, Shri Bhuyan, the learned counsel representing the BTC, by referring to the affidavit-in-opposition filed on 07.01.2026 has submitted that the ***Assam Cattle Preservation Act, 2021*** itself contains a provision for not having any business relating to cattle transportation in any district of the State which shares international border with any foreign country, the slaughter whereof is punishable under the Act. He has submitted that though the Superintendent of Police

had issued the communication dated 09.06.2023, irrespective thereof, the law holding the field would not permit for allowing the prayer of the petitioner.

6. The learned counsel for the other respondents have also endorsed the stand taken by the BTC authorities.

7. The prayer in this writ petition reads as follows:

“ Under the above facts and circumstances it is therefore prayed that Your Lordships would be pleased to admit this petition, call for the records issue a rule calling upon the Respondents to show cause as to why a writ in the nature of mandamus shall not be issued to direct the Respondents in general and Respondent No.5 in particular to issue notice inviting tender (N.I.T) for settlement of Bari-Makha Cattle Market (Singra) for the period from December, 2025 to 30/06/2026 and on perusal of records and reply to show cause if any and after hearing the parties would be pleased to make the rule absolute by directing the Respondents in general and Respondent No.5 in particular to issue notice inviting tender (N.I.T) for settlement of Bari-Makha Cattle Market for the period from December, 2025 to 30/06/2026. And or pass any other order(s) as Your Lordships may deem fit and proper for the interest of justice.

Further it is prayed that pending disposal of this petition, petitioner may be allowed to run the Bari-Makha Cattle Market.

Alternatively, it is prayed that Respondent Nos. 3 & 5 may be directed to dispose of the representation dated 19/11/2025 (Annexure No. 4 & 5) within a specified time by a speaking order and copy of the speaking order may be supplied to the petitioner and further direct the Respondents to allow the petitioner to run the said market till disposal of

the said representation.

And for this act of kindness, your humble petitioner as in duty bound shall ever pray."

8. The same is with regard to a direction for issuing NIT for settlement of the market in question. The affidavit filed by the BTC on 07.01.2026 would however show that it is as per Section 3 (2) of the ***Assam Cattle Preservation Act, 2021*** for which no action for settling the market has been taken. For ready reference, the relevant averments made in the paragraph 5 are extracted herein below:-

*"5. That the deponent begs to state that vide letter no. BDB Market/19/2021-22/2121, it has been categorically stated that the tender for the Barikmakha Cattle Market had been initiated on 17.06.2023 for the market year 2023-2024 however, a letter no. BSA / crime / cattle / 2023/2373-A dated 09.06.2023 was received from the office of the Superintendent of Police, Baksa, Assam whereby the Cattle Market was cancelled in the district of Baksa as it shares an international border with Bhutan as it is specifically mentioned in the Assam Cattle Preservation Act, 2021 as per section 3(II) that **"(3) No person shall Transport or offer for Transport or cause to be transported any cattle from any place within the State of Assam to any other place in a district within the State which shares international border with any foreign country, the slaughter whereof is punishable under this Act."***

Copy of the letters BDB Market/19/2021/-22/2121 and BSA/Crime/cattle/2023-2373-A is annexed herewith and marked as Annexure"

9. This Court has also noticed that there was no denial to the aforesaid proposition which is based on the provision of the Act of 2021.

10. It is settled position of law that no Mandamus can be issued for and an act which is not permissible in law as it is the primary duty of a party approaching the Court to make out an enforceable right. In the instant case, not to talk about any enforceable right, the prayer may appear to be in conflict with the law holding the field. At this stage, Shri Sheikh, the learned counsel for the petitioner has submitted that the culpability of cattle slaughtering which is as per the Act of 2021 cannot be made applicable in Bhutan. This Court is however unable to accept the said submission inasmuch as the language of the statute is clear and it is also not in dispute that the district in question shares an international border with a foreign country i.e. Bhutan.

11. In view of the above, this Court is of the view that no relief, whatsoever can be granted to the petitioner.

12. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant