

GAHC010281512025



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

Case No. : WP(C)/333/2026

SRI SARANGA DAS
S/O LATE DHANANJAY DAS,
R/O FLAT NO. 3-F, KIRANMOYEE APARTMENT, BEHIND DOWN TOWN
HOSPITAL, MATHURANAGAR,
P.O- DISPUR, GUWAHATI-781006, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
STATE HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K KAKATY ROAD
ULUBARI
GUWAHATI-7

4:THE ADDITIONAL DIRECTOR GENERAL OF POLICE
ADMN
ASSAM
B.K KAKAOTY ROAD
ULUBARI
GUWAHATI-7

5:THE ADDITIONAL INSPECTOR GENERAL OF POLICE(ADMN)
ASSAM

B.K KAKOTY ROAD
ULUBARI
GUWAHATI-7

6:THE COMMISSIONER OF POLICE
KAMRUP(M)
GUWAHATI
ASSAM

7:THE DISTRICT MAGISTRATE CUM DEPUTY COMMISSIONER
KAMRUP(M)
(LAW AND ORDER)
DISTRICT- KAMRUP(M)
ASSAM

8:THE MOTOR TRANSPORT OFFICER(M.T.O)
KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA, MR A HOSSAIN, W.H. DEVI, MR. L MOHAN

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11.02.2026

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner and Ms. U. Das, learned Additional Senior Government Advocate, Assam for all the respondents.

Mr. Borbhuiya, learned counsel for the petitioner has submitted that the vehicles of the petitioner were hired pursuant to orders passed by the office of the Deputy Commissioner for the purpose of maintaining law and order duties and the same are annexed as Annexure-5 to the writ petition.

Ms. Das, learned Additional Senior Government Advocate has submitted

that there is no admissibility statement from the Head of the Department.

Issue notice, returnable on 18.03.2026.

As Ms. Das, learned Additional Senior Government Advocate, Assam has appeared and accepted notice on behalf of all the respondents, issuance of formal notice to the respondents is dispensed with. However, extra copies of the writ petition along with annexures are to be furnished to Ms. Das within 3 [three] working days from today.

In view of non-annexation of the admissibility statement from the Head of the Department in terms of the Full Bench decision in Tamsher Ali & Ors. vs. State of Assam & Ors., reported in 2008 [4] GLT 1 [FB], the issue of maintainability of the writ petition is kept open for consideration.

JUDGE

Comparing Assistant