

GAHC010287472025



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

Case No. : WP(C)/286/2026

DIMITRI IVAN NARZARY
S/O- LATE KAMALESWAR NARZARY, RESIDENT OF WARD NO. 7,
BAGANSALI, P.O. BHAKATPUR, P.O., P.S. AND DIST. KOKRAJHAR, ASSAM,
PIN- 783370.

VERSUS

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

2:THE BODOLAND TERRITORIAL AUTONOMOUS COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BTAD
KOKRAJHAR
ASSAM

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

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

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
B K KAKOTY ROAD
ULUBARI

GUWAHATI-7.

6:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

7:THE DISTRICT MAGISTRATE-CUM-DEPUTY COMMISSIONER
KOKRAJHAR (LAW AND ORDER) DIST. KOKRAJHAR
ASSAM

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

Advocate for the Petitioner : MR. J I BORBHUIYA, MR. N ALI,MR. L MOHAN,MR A HOSSAIN

Advocate for the Respondent : GA, ASSAM, SC, BTC

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11.02.2026

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner; Ms. U. Das, learned Additional Senior Government Advocate, Assam for the respondent nos. 1, 3, 4, 5, 6, 7 & 8; and Ms. M. Choudhury, learned Standing Counsel, BTC for the respondent no. 2.

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-1 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 the respondent nos. 1, 3, 4, 5, 6, 7 & 8 and Ms. Choudhury, learned Standing Counsel, BTC Assam has appeared and accepted notice on behalf of the respondent no. 2, 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 and Ms. Choudhury 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