

GAHC010137892022



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

Case No. : WP(C)/4605/2022

MUJIB ROHMAN AND ANR

2: SHEIKH RUSTAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, MUNICIPAL ADMINISTRATION DEPARTMENT ASSAM, DISPUR,
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER
CHARAIDEO
ASSAM- 785690.

3:SONARI MUNICIPAL BOARD
SONARI
DISTRICT- CHARAIDEO
ASSAM
PIN- 785690
REPRESENTED BY ITS CHAIRMAN.

4:THE EXECUTIVE OFFICER
SONARI MUNICIPAL BOARD
SONARI

DISTRICT- CHARAIDEO
ASSAM
PIN- 785690

Advocate for the Petitioner : MR A DAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

12.07.2022

Heard Shri P Deka, learned counsel for the petitioners, who are aggrieved by a notice dated 30.06.2022 issued by the Executive Officer, Sonari Municipal Board by which the business of selling of beef is completely prohibited from the Municipal area from 15.07.2022 as per Section 8 of the Assam Cattle Preservation Act, 2021.

The learned counsel for the petitioners submits that the business of the petitioners has been going on since the days of their forefathers in the said area and the Act in question also does not contemplate a complete ban and only prescribes a procedure for the said business. The competency of the Executive Officer in issuing the said notice dated 30.06.2022 has also been questioned by drawing the attention of this Court to the Act in question which prescribes that the Government should appoint an appropriate authority which has not been done in the instant case. It is further contended that without completing the formalities prescribed under the Act in question which would include allotment of an appropriate site to carry out the business, complete ban is not contemplated as that would amount to infringing the right to carry out the business.

Issue Notice, returnable by 25.07.2022.

Shri RK Borah, learned State Counsel, Assam accepts notice on behalf of all the respondents.

Extra copies of the writ petition be served upon Shri Borah during the course of the day.

Since, there is a prayer for interim order, the learned State Counsel is directed to obtain instructions on the next date which should include the steps/measures taken to allocate appropriate steps taken so that the petitioners can carry out their business as per the Act in question.

Accordingly, list this case on 25.07.2022.

JUDGE

Comparing Assistant