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2026:GAU-AS:15605

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

**Case No. : WP(C)/3975/2026**

PRANAB MANDAL
SON OF LATE SANTOSH MANDAL RESIDENT OF VILLAGE KAHIBARI PS CHAMARIA PS BOKO DISTRICT KAMRUP ASSAM, PIN- 781136
PH. 9706601331

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM EXCISE DEPARTMENT DISPUR GUWAHATI-781006

2:THE COMMISSIONER OF EXCISE
ASSAM HOUSEFED COMPLEX DISPUR
GUWAHATI
ASSAM
PIN-781006

3:THE DISTRICT COMMISSIONER
KAMRUP AMINGAON 781031

4:THE SUPERINTENDENT OF EXCISE
OFFICE OF THE DEPUTY COMMISSIONER HENGRABARI KAMRUP (METRO) ASSAM 781036

5:THE CO DISTRICT COMMISSIONER
BOKO -CHAYGAON KAMRUP ASSAM
PIN-781124

6:CHAMARIA SATRA MANAGEMENT SAMITEE
REPRESENTED BY ITS PRESIDENT SHRI GANESH DAS VILLAGE CHAMARIA SATRA PO CHAMARIA SATRA PS BOKO REVENUE RERCLE CHAMARIA DISTRICT KAMRUP RURAL ASSAM 781136

7:SHRI DALIM PATHAK
SECRETARY TO THE CHAMARIA SATRA MANAGEMENT SAMITTEE
RESIDENT OF VILLAGE CHAMARIA SATRA PO CHAMARIA SATRA PS
BOKO DISTRICT KAMRUP (RURAL) ASSAM
PIN- 78113

**Advocate for the Petitioner** : MR. B D KONWAR SR. ADV., MS S JAIN,MR J SINGH,MS M ZOMUANPUII,MR P DOLEY

**Advocate for the Respondent** : GA, ASSAM, SC, REVENUE,SC, EXCISE DEPTT.

**BEFORE**
**HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**14.10.2026**

Heard Mr. B. D. Konwar, learned senior counsel assisted by Mr. J. Singh, learned counsel for the petitioner. Also heard Mr. R. R. Gogoi, learned Standing Counsel, Excise Department.

2. The petitioner is aggrieved by the non-finalisation of the allotment of an IMFL "OFF" Shop at village Howlitari, District- Kamrup. The State of Assam in Excise Department, after following due procedure, granted a sanction for such license by an order dated 11.12.2025. Pursuant to the sanction and the conditions required to be fulfilled, i.e., deposit of an aggregate amount of Rs. 15 lakhs towards the applicable fees and security deposit, the same was also deposited by the petitioner.

3. However, when the license was not granted, on enquiry, the petitioner came to learn that the licence had allegedly been withheld on the basis of an objection raised by respondent nos.6 and 7, the Chamaria Satra Management Committee. The aforesaid respondents are parties to this present petition, and

notices were duly served. However, none appears for the said respondents.

4. The basic ground as per the projection of the petitioner is that such a complaint was filed by respondent nos. 6 and 7 primarily on the ground that the wine shop is situated within the prohibited distance in relation to the Satra. However, it is the contention of the petitioner that the official verification report itself certifies that the proposed site is beyond the prohibited distance prescribed under the Assam Excise Rules, 2016, and situated at a distance of 1.6 Km. No public objection was received during the field verification.

5. According to Mr. Konwar, learned senior counsel in the absence of any statutory disqualification, the license could not have been withheld, more so when the petitioner has satisfied all the conditions and requirements, and has deposited the license fees.

6. An affidavit has been filed by the Excise Department, and the facts disclosed in the affidavit ascertain the facts pleaded by the petitioner. The respondent has not disputed the verification, the enquiry, the grant of sanction, and the deposit of license fees.

7. The prohibited distance as per Rule 289 of the Assam Excise Rule, is a minimum distance of 150 metres in a rural area under a Gaon panchayat from a religious institution. Admittedly, as reflected in the affidavit, the distance is 1.5 kilometres from the Chamaria Satra.

8. In view of the aforesaid stand of the respondent and the provisions of the Excise Rules, this Court is of the opinion that there is no bar to allowing the petitioner to run his license for an "OFF" shop on this count of prohibited distance. Accordingly, the authorities shall proceed based on the sanction vide letter no. 722767/110 dated 11.12.2025, subject to fulfilment of all other

statutory requirements and the entire exercise be carried within a period of 2 (two) weeks from the date of receipt of a certified copy of this order.

9. Accordingly, this writ petitions stands disposed of.

**JUDGE**

**Comparing Assistant**