GAHC010213382026

2026:GAU-AS:15831

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

Case No. : WP(C)/5425/2026

DARIDRA GOT
REPRESENTED BY ITS PRESIDENT, ASHROB ALI, AGED ABOUT 48 YEARS, SON OF LATE NOBJESH AL,I VILLAGE BANBAHAR, PO KAYAKUCHI, PS AND DISTRICT BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT DISPUR GUWAHATI 781006

3:THE DISTRICT COMMISSIONER
BARPETA PO AND DISTRICT BARPETA ASSAM

4:THE SUPERINTENDENT OF POLICE BARPETA
DISTRICT BARPETA ASSAM

5:THE DISTRICT COMMISSIONER
BAJALI
P.O AND DIST- BAJALI
ASSAM

6:THE SUPERINTENDENT OF POLICE
BAJALI
P.O AND DIST- BAJALI
ASSA

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN,MR H A AHMED

Advocate for the Respondent : GA, ASSAM, MR. A PHUKAN, SC, GAD

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

15.10.2026

Heard Mr. H.A. Ahmed, learned counsel for the petitioner; Mr. S.S. Roy, learned Junior Government Advocate, Assam for the respondent nos. 1, 3, 4, 5, & 6; and Mr. A. Phukan, learned Standing Counsel, General Administration Department [GAD] for the respondent no. 2.

2. The petitioner is an NGO registered with the Sub-Divisional Agriculture Officer, Pathsala. It is stated that the petitioner NGO established in the year 2017, has been conducting annual ticket-based prize draws on the Republic Day [26th January] for a long period of time.

3. The petitioner NGO is in the process of conducting lotteries/lucky coupon draws on 23.12.2026. As in order to conduct such lotteries/lucky coupon draws permission is required from the jurisdictional District Commissioner, the petitioner NGO had submitted an application on 15.09.2026 before the District Commissioner, Barpeta seeking permission. As no response was received from the District Commissioner, Barpeta on the application seeking such permission, the petitioner is before this Court by the instant writ petition seeking inter alia a direction to the respondent authorities, more particularly, the jurisdictional District Commissioner to accord permission to conduct the lotteries/lucky coupon draws by considering the application dated 15.09.2026.

4. Earlier, a public interest litigation, PIL no. 29/2024 on the issue regarding organization of offline and online lottery in various districts in the State of Assam was taken up by a Division Bench of this Court. The Division Bench, by an interim Order dated 03.10.2024, had

observed that the State Government shall issue direction to all the District Commissioners, including the Superintendents of Police of all the districts of Assam not to grant any permission to any individual/organization for organizing offline/online lotteries and in case any such offline or online lotteries were found to be organized illegally, the concerned Superintendent of Police should take immediate action against those persons/organizers in accordance with law.

5. After the Order dated 03.10.2024, a number of interlocutory applications were preferred in PIL no. 29/2024 seeking vacation/modification of the Order dated 03.10.2024. The petitioner NGO also preferred an interlocutory application, I.A.[C] no. 3458/2024 in PIL no. 29/2024.

6. In the interlocutory applications, it was projected that the applicants were social organizations involved in various religious/cultural and other social activities for the benefit of the public at large. It was projected that they had been organizing lotteries on occasions like festivals, Republic Day, etc. with a view to engage large participation of the public. It was contended that in view of the Order dated 03.10.2024 passed by the Ho'ble Division Bench, they were apprehending that the State Government would not grant they permission to organize lotteries/lucky draws in those occasions. By the interlocutory applications, the vacation/medication of the Order dated 03.10.2024 was sought for to allow the applicants to organize lotteries/lucky draws on those occasions projecting that the said practice was going on for a number of years.

7. The afore-mentioned interlocutory applications disposed of by a Division Bench by an Order dated 12.11.2024 observing that the Order dated 03.10.2024 passed in PIL no. 29/2024 was not liable to be modified or vacated. The Division Bench had, however, observed as under :-

> However, the applicants are at liberty to move appropriate representations before the concerned authorities in the State Government seeking permission to organize lotteries/lucky coupon draws on the eve of the above-referred festivals. If any such

application is move by the applicants, it is expected that the concerned authorities in the State Government will consider and decide the same expeditiously, taking into consideration the provisions of The Lotteries [Regulation] Act, 1998 and The Lotteries [Regulation] Rules, 2010.

With the above observations, these Interlocutory Applications stand disposed of.

8. Subsequent to the Order dated 12.11.2024, the State Government in the Finance [Establishment-B] Department passed an Order on 13.11.2024 expressing inability to permit conduct of gift coupon draw / lottery / lucky draw / lucky coupon draw, etc. on various festivals and the representations submitted in that connection were disposed of.

9. After rejection of the representations by the Order dated 13.11.2024, a number of writ petitions, W.P.[C] no. 6090/2024, W.P.[C] no. 6401/2024 and W.P.[C] no. 6402/2024 came up for consideration. All the three writ petitions, W.P.[C] no. 6090/2024, W.P.[C] no. 6401/2024 and W.P.[C] no. 6402/2024 were disposed of by a Division Bench of this Court by an Order dated 30.07.2025 by setting aside the Order dated 13.11.2024.

10. In the above backdrop, this writ petition is disposed of with the following observations :-

[a] The petitioner NGO shall submit an application before the respondent no. 2 seeking permission to conduct lotteries/lucky coupon draws on 23.12.2026, within a period of fifteen days from today. The application shall be accompanied by a copy of the present writ petition along with the annexures.

[b] In the event such an application is filed by the petitioner NGO before the respondent no. 2 within a period of fifteen days, the respondent no. 2 shall consider and decide such application, within a period of fifteen days from the date of receipt of such application, by taking into consideration the provisions of the Lotteries [Regulation] Act, 1998 and the Lotteries [Regulation] Rules, 2010; and the observations made in the Order dated 03.10.2024

passed in PIL no. 29/2024; Order dated 12.11.2024 passed in I.A.[C] no. 3458/2024; and the Order dated 30.07.2025 passed in the three writ petitions, W.P.[C] no. 6090/2024, W.P.[C] no. 6401/2024 and W.P.[C] no. 6402/2024 by the Hon'ble Division Bench.

JUDGE

Comparing Assistant