

**ASSAM LEGISLATIVE ASSEMBLY  
UNSTARRED QUESTION NO: 401  
DATE OF REPLY- 22/07/2026**

Sub : Illegally run Baghbar Cattle Market  
MLA : SHRI SHERMAN ALI AHMED

Will the Minister of Panchayat & Rural Development Department be pleased to state :

- (a) As per reply of starred QN. 178 dated 11-03-2025, neither the Govt. in P & RD had accorded approval nor Director of AH & Vety. had issued registration certificate to Baghbar Cattle Market and hence running of the same is illegal for violation of Section 107 of Assam Panchayat Act and Rule 7 of the Assam Cattle Preservation Rules, 2022. Will the Govt. furnish details as to why the illegal cattle market is allowed to run?
- (b) Why DC, Barpeta has not stopped such illegality in blatant violation of the existing laws?
- (c) DC, Barpeta had mentioned in his letter no. BD/VET/2023-24/BCM/1483 dtd 23-08-2023 that “.....there is no authority of the Anchalik Panchayat to interfere with any market....” whereas Section 107 of the Act stipulates “....without prior approval of the concerned panchayat authorities...”. Is AP not a panchayat authority?
- (d) If yes, how DC, Barpeta could state in his letter that “...there is no authority of the Anchalik Panchayat to interfere with any market....”?

**REPLY**

Shri Atul Bora, Hon’ble Minister, Panchayat & Rural Development will reply:

a) The Baghbar Cattle Market is running on a private land. As per the direction of hon'ble Gauhati High Court vide order dated 22.07.2022 passed in WP(C) 4440/2022 (Baghbar Bazar Managing Committee Vs State of Assam & Ors), restricted the Government authorities “not to interfere with the operation of the Baghbar Cattle Market run over the private patta land owned by the writ petitioners until and unless they are found to be violating any of the provisions of the law” (ANNEXURE-A).

Further the said market authority has already applied before District Commissioner, Barpeta seeking registration of said market and they have also separately applied before Govt. to obtain the same. Once the Govt. refuses the proposal action will immediately be taken as per law.

b) In compliance of direction of Hon'ble court stated in answer to question no. (a) above , DC Barpeta has not taken any step .

The petition seeking registration of private market received by the Govt. is under consideration. Once a decision is taken by the Govt. on the petition so received district administration will take appropriate action accordingly.

c) The Anchalik Panchayat is a Panchayat authority as per Assam Panchayat Act, 1994.

d) The Hon’ble Gauhati High Court’s Order dated 22.07.2022 passed in WP©4440/2022 (Baghbar Bazar Managing Committee Vs State of Assam & Ors) directed the respondent authorities including Respondent No.6, i.e. Mandia Anchalik Panchayat, “not to interfere with the operation of the Baghbar Cattle Market run over the private patta land owned by the writ petitioners until and unless they are found to be violating any of the provisions of the law” (ANNEXURE-A).

**(Replies and enclosures have been uploaded in the [www.cms.neva.gov.in](http://www.cms.neva.gov.in) portal)**



GAHC010129742022



## ANNEXURE-A

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

**Case No. : WP(C)/4440/2022**

BAGHBAR BAZAR MANAGING COMMITTEE AND ANR  
NIZ BAGHBAR, P.O. BAGHBAR, P.S. BAGHBAR, DIST. BARPETA,  
REPRESENTED BY THE PRESIDENT OMAR MULLAH, S/O- LATE RAHIM  
UDDIN, VILL.- BAGHBAR , P.S. BAGHBAR, DIST. BARPETA, ASSAM, PIN-  
781308.

2: MUNJUR HUSSAIN  
S/O- LATE DILUWAR HUSSAIN  
VILL.- NIZ BAGHBAR  
P.O. AND P.S. BAGHBAR  
DIST. BARPETA  
ASSAM  
PIN- 781308.

3: MUNJUR HUSSAIN  
S/OLATE DILUWAR HUSSAIN  
VILL- NIZ BAGHBAR  
P.O. BAGHBAR  
P.S. BAGHBAR

DIST. BARPETA  
ASSAM  
PIN-78130

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT



JURIPAR  
PANJABARI  
GUWAHATI- 37.

3:THE DEPUTY COMMISSIONER

BARPETA  
DIST. BARPETA  
ASSAM

4:BARPETA ZILLA PARISHAD

REP. BY THE CHIEF EXECUTIVE OFFICER

BARPETA  
P.O. AND P.S. DIST. BARPETA  
ASSAM

5:THE CIRCLE OFFICER

BAGHBAR REVENUE CIRCLE

MANDIA

DIST. BARPETA  
ASSAM

6:MANDIA ANCHALIK PANCHAYAT

REP. BY ITS EXECUTIVE OFFICER-CUM-SECRETARY  
P.O. MANDIA

DIST. BARPETA  
ASSAM

7:THE SUPERINTENDENT OF POLICE

DIST. BARPETA  
ASSAM

8:THE OFFICER-IN-CHARGE

BAGHBAR POLICE STATION

DIST. BARPETA  
ASSAM



**Advocate for the Petitioner : MR H R A CHOUDHURY**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**22.07.2022**

Heard Mr. H. R. A. Choudhury, learned senior counsel assisted by Mr. H. Ali, learned counsel appearing for the writ petitioners. I have also heard Mr. K. Konwar, learned Standing Counsel, P & RD Department, Assam appearing for the respondent Nos.1, 2, 4 and 6 and Ms. M. Barman, learned Govt. Advocate, Assam appearing for the respondent No.3, 5, 7 and 8.

The writ petitioners herein claim themselves to be the owners of the private patta land over which Baghbar Cattle Market, in the district of Barpeta, had been established more than two decades back. Alleging that while operating the said cattle market, wherein purchase and sale of cattle takes place on regular basis, the petitioners have faced unauthorized interference from the respondent No.8 the instant writ petition has been filed. According to the petitioners' counsel, the respondent No.8 has threatened his clients to stop the operation of the market as otherwise stringent action would be initiated against them. Consequently, they have approached this Court by filing the instant writ petition.

Taking note of the grievance expressed by the petitioners, this Court, while issuing notice of motion by order dated 30.06.2022 had directed the learned Govt. Advocate, Assam to obtain instruction and place the same before the Court. Today when the matter is called up, Ms. Barman, learned



Govt. Advocate, Assam submits that the respondent No.6 has already issued a NIT for settling another cattle market set up over a plot of land measuring 4 bighas, which is situated at a distance of 2 kilometers from the market operated by the petitioners and hence the confrontation. The learned Government Advocate has, however, failed to obtain any instruction from the officials indicating as to the reason why the petitioners were being disturbed by the respondent No.8 while operating their cattle market set up over private patta land.

After the striking down of Section 107 of the Assam Panchayat Act, 1994, which had empowered the panchayat authorities to settle markets established within a private land, there is no authority of the Anchalik Panchayat to interfere with any market set up over private patta land. A perusal of the order dated 03.06.2011 passed by the learned Single Judge in WP(C) No.3779/2010 leaves no manner of doubt that the land claimed by the petitioners is a private patta land and the cattle market is also undisputedly operating on the said land. If that be so, the respondents would not have any authority to interfere with the operation of the market set up on a private patta land unless the operators are found to be violating any of the provision of law, which is not the projected case of the departmental authorities, in this case.

Situated thus, I have no hesitation in holding that interference of the respondent No.8 in operation of the cattle market run by the petitioners is unauthorized. I, therefore, dispose of this writ petition with a direction upon the respondents not to interfere with the operation of the Baghbar Cattle Market run over the private patta land owned by the writ petitioners until and unless they are found to be violating any of the provisions of the law.



With the above observation, this writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**