

GAHC010006292023



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

Case No. : WP(C)/192/2023

DEB NATH DAS
S/O- SRI DIMBESWAR DAS, VILL- SENCHOWA, P.O. SENCHOWA, DIST.-
NAGAON, ASSAM, PIN- 782001

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, PANCHAYAT
AND RURAL DEVELOPMENT DEPTT., DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY-06

3:THE SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
DISPUR
GHY-06

4:THE NAGAON ZILLA PARISHAD
REP. BY ITS CHIEF EXECUTIVE OFFICER
NAGAON (ASSAM)
PIN- 782001

5:THE CHIEF EXECUTIVE OFFICER
NAGAON ZILLA PARISHAD
NAGAON (ASSAM)
PIN- 782001

6:THE BATADRAVA ANCHALIK PANCHAYAT
REP. BY ITS PRESIDENT

NAGAON
ASSAM
PIN- 782001

7:THE EXECUTIVE OFFICER
BATADRAVA ANCHALIK PANCHAYAT
NAGAON
ASSAM
PIN- 782001

8:RUHUL AMIN
S/O- ABDUL KHALEK
VILL- RAMPUR SATRA
P.O. HATIZUZUA
DIST.- NAGAON
ASSAM
PIN- 78212

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : SC, P AND R.D.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10-01-2023

Heard Mr. A. Sarma, learned counsel for the petitioner and Mr. N. Debnath, learned standing counsel for the P&RD Department appearing for respondent nos. 1 to 7.

2. The learned standing counsel for the respondents has submitted that he cannot appear for the elected President of the respondent no.6. However, it is seen that respondent no. 6 is the Batadrava Anchalik Panchayat, which is

represented by its President. Therefore, merely because the Anchalik Panchayat is represented by the President, it would not be a bar for the standing counsel for the respondents to appear for the said authority.

3. In view of nature of order proposed to be passed, issuance of notice to the respondents is dispensed with.

4. It is projected by the petitioner that the Batadrava Anchalik Panchayat had issued a notice for settlement of Balisatra Bi-Weekly Market for which the petitioner was the highest valid bidder. It is submitted by the learned counsel for the petitioner that under Rule 47(11)(i) of the Assam Panchayat (Financial) Rules, 2002, the petitioner had seven days time to deposit the security money. However, by the settlement order dated 27.06.2022, the petitioner was given only three days time to deposit the entire amount, failing which it was stated that the settlement of the market would be cancelled.

5. Aggrieved by the said order, the petitioner had preferred an appeal before the Principal Secretary to the Govt. of Assam, P&RD Department (respondent no.1) under Section 105(4) of the Assam Panchayat Act. Although, the said appeal was filed on 29.07.2022, but as the said appeal has not been disposed of, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

6. Having heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent nos. 1 to 7, the Court is of the considered

opinion that as the settlement for market is for a period of 1 year, there is definitely some urgency on part of the petitioner for an early disposal of their statutory appeal. It is noted that by a communication dated 02.11.2022, certain query was raised by the respondent no.1 to the Chief Executive Officer, Zila Parishad, Nagaon. Therefore, even from the said date there has been a delay in the disposal of the appeal.

7. In view of above, the Court is of the considered opinion that ends of justice would be met to direct the Principal Secretary to the Govt. of Assam, P&RD Department (respondent no.1) to expeditiously dispose of the appeal filed by the petitioner in the matter of settlement of Balisatra Bi-Weekly Market in Nagaon district within an outer period of one month from the date of receipt of certified copy of this order.

8. The petitioner is permitted to produce the certified copy of this order before the respondent no.1 to bring this order to the notice of the said authority.

9. Accordingly, this writ petition stands disposed of to the extent as indicated above.

JUDGE

Comparing Assistant