

GAHC010055562018



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

Case No. : WP(C)/1701/2018

BAPU RAM SAIKIA AND 4 ORS.
S/O LT. NIDHI RAM SAIKIA
R/O VILL- BALISATRA
P.O. BALISATRA, P.S. BATADRAVA
DIST.NAGAON, ASSAM
PIN - 782122

2: ABDUL KALAM
S/OLT. ASHAN ALI
R/O VILL- RAMPUR PUM
P.O. RAMPUR SALAPATHAR
P.S. BATADRAVA
DIST.NAGAON
ASSAM
PIN - 782122.

3: ABDUL SAIDK
S/O LT. MEHAR ALI
R/O VILL- BALIKATIA
P.O. BALIKATIA
P.S. JURIA
DIST. NAGAON
ASSAM
PIN - 782124.

4: SADIDUL ISLAM
S/O FAIZUDDIN
R/O VILL- BALIKATIA
P.O. BALIKATIA
P.S. JURIA
DIST. NAGAON
ASSAM
PIN - 782124.

5: DANTI BORAH
S/O OKAN BORAH
R/O VILL- BALISATRA
P.O. BALISATRA
P.S. BATADRAVA
DIST. NAGAON
ASSAM

PIN - 782122

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER

NAGAON

DIST. NAGAON
ASSAM
PIN - 782001.

3:THE ADDITIONAL DEPUTY COMMISSIONER

(REVENUE)
NAGAON

DIST. NAGAON
ASSAM
PIN - 782001.

4:THE CIRCLE OFFICER

DHING REVENUE CIRCLE

DIST. NAGAON
ASSAM
PIN - 78782133.

5:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006.

6:THE NAGAON ZILLA PARISHAD

REP. BY ITS CHIEF EXECUTIVE OFFICER

NAGAON
ASSAM
PIN - 782001.

7:THE BATADRAVA ANCHALIK PANCHAYAT

REP. BY ITS EXECUTIVE OFFICER
NAGAON
ASSAM
PIN - 782122

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 26-05-2023

Heard Mr. L. Chandran, learned counsel for the petitioners; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; Mr. M. Chetia, learned Junior Government Advocate, Assam for the respondent nos. 2, 3 & 4; and Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department for the respondent nos. 5, 6 & 7.

2. The petitioners, 5 [five] in nos., have described themselves in paragraph 2 of the writ petition as follows : - the petitioner was the then current lessee of Balisatra Bi-Weekly Market, a Panchayat Notified Market, under the Batadrava Anchalik Panchayat whereas the petitioner no. 2 – 6 were various shop keepers who were having their shops under the Balisatra Bi-Weekly Market. They had

projected that they represented all other shop keepers who run their business in the said market from the shops under the control and authority of the lessee of the Balisatra Bi-Weekly Market i.e. the petitioner no. 1. In paragraph 2 of the writ petition, it is averred that the petitioner no. 1 was settled with the Balisatra Bi-Weekly Market up to 30.06.2018. The petitioners had approached this Court by instituting the instant writ petition with the grievance that the Circle Officer, Dhing Revenue Circle had contemplated an eviction process on the ground that a part of the Balisatra Bi-Weekly Market was in a plot of land which has been reserved as Government Grazing Reserve.

3. When the writ petition was moved on 23.03.2018, the eviction process proposed by the letter under Memo no. D.C.O.2018/256 dated 12.03.2018 by the Circle Officer, Dhing Revenue Circle was stayed until further orders.

4. From the averments made in the writ petition, it is clear that the period of settlement of the Balisatra Bi-Weekly Market made in favour of the petitioner no. 1 had expired as far back as on 30.06.2018. The other petitioners i.e. the petitioner nos. 1 – 5 had merely claimed protection through the petitioner no. 1. As the period of settlement of Balisatra Bi-Weekly Market made in favour of the petitioner no. 1 had expired on 30.06.2018, the very foundation on which the petitioner nos. 2 – 5 had claimed protection also stood removed after 30.06.2018.

5. Mr. Dutta, learned Standing Counsel, Panchayat and Rural Development Department has submitted that the Balisatra Bi-Weekly Market had thereafter been settled by issuing tender notices for every Panchayat Financial years by the Batadrava Anchalik Panchayat. By a Tender Notice dated 10.05.2022, the Batadrava Anchalik Panchayat invited bids for settlement of the Balisatra Bi-Weekly Market for the Panchayat Financial Year : 2022 – 2023 i.e. from

01.07.2022 – 30.06.2023. As such, the subject-matter of the instant writ petition has become infructuous after 30.06.2018.

6. In view of the above fact situation, this Court is of the view that the subject-matter of the writ petition has become infructuous. The same is accordingly dismissed as infructuous. The interim order passed earlier stands vacated.

JUDGE

Comparing Assistant