

GAHC010059242019



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

Case No. : WP(C)/1877/2019

AYJAL HOQUE
S/O. MINHAJ UDDIN, VILL. JHAGRARPAN, P.O. JHAGRARPAN, PIN- 783325,
DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-6.

2:THE CHIEF EXECUTIVE OFFICER

DHUBRI ZILLA PARISHAD
DHUBRI
ASSAM
PIN- 783301.

3:THE BLOCK DEVELOPMENT OFFICER

GAURIPUR DHARMASALA -CUM- THE EXECUTIVE OFFICER
GAURIPUR ANCHALIK PANCHAYAT
DHUBRI
ASSAM
PIN- 783331.

4:THE SECRETARY

FALIMARI GAON PANCHAYAT
DHUBRI
ASSAM
PIN- 783325

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : SC, PNRD

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 26-05-2023

By a settlement order dated 28.11.2018 passed by the Chief Executive Officer, Zilla Parishad, Dhubri, a market namely Dhubirchar Hat and Dainik Bazar [‘the Market’, for short] was settled in favour of the petitioner for the period from 29.11.2018 to 30.06.2019 at a settlement amount of Rs. 3,02,288/- for the said period on the basis of his offered bid value of Rs. 5,15,500/- for the entire Panchayat Financial Year. It is the case of the petitioner that the area of the Market was not specified at the time of formal delivery of possession of the Market so given to the petitioner by the respondent authorities and as a result, he faced difficulties in collection of tolls from the Market. With such projection, he approached this Court seeking direction to the respondent authorities [i] to give formal possession of the Market to him by specifying the area and map and furnish a Rate Chart of tolls & [ii] to give extension of the settlement period. Another prayer was for a direction to the respondent nos. 2, 3 & 4 to consider and dispose of the representations, dated 05.02.2019 & dated 08.02.2019, submitted by him before the said authorities, with prayers akin to the aforementioned two prayers.

A counter affidavit has been filed by the respondent no. 2 asserting that the full possession of the entire area of Dhubirchar Hat and Dainik Bazar was handed over to the petitioner after the order of settlement dated 28.11.2018

and on completion of the necessary formalities as per Rule 47 of the Assam Panchayat [Financial] Rules, 2002. The allegation of non-specification of the area of the Market and non-delivery of possession have been clearly denied with the contention that the same is an attempt on the part of the petitioner to get undue advantage for the purpose of getting extension of the settlement period or to seek remission of the settlement amount.

The validity of the settlement order for Dhubirchar Hat and Dainik Bazar, made in favour of the petitioner by order dated 28.11.2018, had expired on 30.06.2019. In view of expiry of the settlement period on 30.06.2019, all the prayers made in this writ petition appear to have become infructuous.

Moreover, when the writ petition was listed on 17.05.2023, there was no representation on behalf of the petitioner on call. Today also, the petitioner is found absent on call whereas, Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department was/is present on both occasions.

Considering the fact situation obtaining in the case, as discussed above, it appears that the petitioner is not interested to pursue the instant writ petition. The instant writ petition is therefore, dismissed for non-prosecution.

JUDGE

Comparing Assistant