

GAHC010075502023



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

Case No. : WP(C)/1988/2023

RAJ HANDIQUE
SON OF KUSHESAR HANDIQUE,
RESIDENT OF HATILUNG,
P.O.- HATILUNG,
P.S.- NORTH LAKHIMPUR,
DISTRICT- NORTH LAKHIMPUR,
ASSAM.

VERSUS

THE NORTH LAKHIMPUR MUNICIPAL BOARD AND ANR
NORTH LAKHIMPUR, ASSAM,
REPRESENTED BY THE CHAIRMAN,
NORTH LAKHIMPUR MUNICIPAL BOARD,
P.O.- NORTH LAKHIMPUR,
DISTRICT- NORTH LAKHIMPUR,
ASSAM.

2:THE EXECUTIVE OFFICER
NORTH LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- NORTH LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR. T BAIDYA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 05-04-2023

Heard Mr. Y.S. Mannan, learned counsel for the petitioner and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent no. 2.

2. Considering the submissions made by the learned counsel for the petitioner and as agreed to by the learned State Counsel, the writ petition is taken up for disposal at the motion stage itself.

3. Pursuant to a tender process initiated by the respondent North Lakhimpur Municipal Board, a parking place named Town Daily Market [Ground Floor] Parking came to be settled in favour of the petitioner by an order dated 06.04.2022 for the year : 2022-2023 i.e. for the period from 06.04.2022 to 31.03.2023 at his offered sum of Rs. 4,77,999/-. By the order of settlement dated 06.04.2022, the petitioner was directed to deposit 50% of Rs. 4,77,999/- i.e. Rs. 2,38,999/-, which the petitioner had accordingly deposited. According to the petitioner, there is a road in the midst of the parking place, which has bifurcated the parking place, resulting into reduction of the net area available for the parking place. Highlighting the said facts, the petitioner stated to have submitted representations before the respondent Municipal Board authorities on 25.04.2022 and 02.09.2022 respectively. The petitioner has projected that because of such reduction in the area of the parking place, the same had resulted into decrease in the collection of tolls throughout the lease period. The petitioner has come to learn that on 24.03.2023, the respondent Municipal Board has published a tender notice inviting bids for settlement of Town Daily Market [Ground Floor] Parking again for the year : 2023-2024. Aggrieved by the same, the petitioner has submitted another representation before the respondent no. 2 on 28.03.2023 seeking extension of the lease period in respect of the said parking place. The petitioner is under an apprehension that in the event the parking place is settled pursuant to the order dated 24.03.2023 without considering his prayer for extension of the lease period and/or remission of the settlement

amount deposited by him, the petitioner will suffer prejudice as he has not yet recovered the amount deposited towards settlement of the parking place.

4. Ms. Barman, learned Junior Government Advocate, Assam has submitted that since the petitioner has stated that he has submitted a representation before the respondent no. 2 on 28.03.2023, the writ petition can be disposed of with a direction to the respondent no. 2 to consider the said representation of the petitioner on merits and in accordance with law, without prejudice to the settlement process initiated by the tender notice dated 24.03.2023.

5. As the learned counsel for the parties have reached at a broad consensus in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent no. 2 to take the representation of the petitioner dated 24.03.2023 on board for consideration of the same on merits and thereafter, to dispose of the representation by passing a speaking order within 2 [two] weeks from the date of receipt of a copy of this order. It is accordingly ordered. It is made clear that the respondent no. 2 shall consider the representation on its own merit and in accordance with law, as this Court has not expressed any view as regards the merits of the claim of the petitioner.

6. This order disposes of the writ petition.

JUDGE

Comparing Assistant