

GAHC010098342021



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

Case No. : WP(C)/3203/2021

NIPPJYOTI BARUAH AND 2 ORS.

S/O LATE DEBENDRA CHANDRA BARUAH, R/O VILL. NICHILAMARI, P.O.
AND P.S. ORANG, DIST. UDALGURI (BTR), ASSAM, PIN 784114

2: MANORANJAN BARUAH

S/O LATE DEBENDRA CHANDRA BARUAH
R/O VILL. NICHILAMARI
P.O. AND P.S. ORANG
DIST. UDALGURI (BTR)
ASSAM
PIN 784114

3: PRANAB BARUAH

S/O LATE DEBENDRA CHANDRA BARUAH
R/O VILL. NICHILAMARI
P.O. AND P.S. ORANG
DIST. UDALGURI (BTR)
ASSAM
PIN 78411

VERSUS

THE STATE OF ASSAM AND 4 ORS.

REPRESENTED BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI
781006

2: THE PRINCIPAL SECY.

BODOLAND TERRITORIAL COUNCIL KOKRAJHAR
ASSAM
PIN 783370

3:THE DEPUTY COMMISSIONER

UDALGURI
ASSAM
PIN 782105

4:THE BLOCK DEVELOPMENT OFFICER

MAZBAT DEVELOPMENT BLOCK
UDALGURI
ASSAM
PIN 784507

5:THE CIRCLE OFFICER

MAZBAT REVENUE CIRCLE
UDALGURI
ASSAM
PIN 78450

Advocate for the Petitioner : MR. D C C PHUKAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
ORDER**

23.01.2023

There is no representation on behalf of the petitioners today on call.

2. The case projected by the petitioners, in brief, was that their deceased father, Late Debendra Ch. Baruah owned and was in possession of a plot of land measuring 1 bigha and 5 lechas, covered by Dag no. 138 & Periodic Patta no. 7 located at Village no. 1 Saikia Chuburi under Orang Mauza, Udalguri [‘the subject-plot, for short’]. It had also been projected that a daily market known as Orang Daily Market [‘the Market’] was being operated in the locality and the Block Development Officer, Mazbat Development Block [the respondent no. 4] issued a Tender Notice dated 08.06.2021 inviting tenders for settlement of the Market. The petitioners had expressed an apprehension that if no intervention was made in the tender process, there was every likelihood that the subject-plot owned by the petitioners, would also

be included in the area of the Market, to be settled by the respondent no. 4. To buttress their contentions, the petitioners had referred to a Certificate issued by the respondent no. 5 i.e. the Circle Officer, Mazbat Revenue Circle, Udalguri wherein it was certified that the subject-plot stood in the name of the petitioners' father and at that point of time, the Market was running on the subject-plot, as per a Report of the concerned Lat Mandal. Contending that the respondent authorities did not have any right to settle the Market with the subject-plot belonging to the petitioners as a part of it, the writ petition had been preferred.

3. While issuing notice of motion by order dated 02.07.2021, the Court, as an interim measure, provided that the settlement of shops/stalls, if any, at the patta land of the petitioners would be subject to further orders that may be passed by the Court. Hence the respondent no. 4 was directed to take notice of the order and act accordingly.

4. Today, Mr. P. Nayak, learned Standing Counsel BTC has submitted that the subsequent to the order dated 02.07.2021, the respondent authorities in the BTC did not settle the Market covering the area of the subject-plot.

5. It is noticed that by the Tender Notice dated 08.06.2021, bids were invited for settlement of the Market for the period from 01.07.2021 to 30.06.2022. As the petitioner is found unrepresented and the period of contemplated settlement in respect of the Market in question by the Tender Notice dated 08.06.2021 was already over on 30.06.2022, it transpires that the petitioners are not interested to pursue the writ petition as the subject-matter of the writ petition appears to have become infructuous.

6. In view of the above fact situations appear to be obtaining in the case in hand, the writ petition stands closed. Interim order stands recalled. Liberty is, however, reserved to the petitioners to avail appropriate remedy under the law, if they are aggrieved by the closure of the writ petition.

JUDGE

Comparing Assistant