

GAHC010119152023



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

Case No. : WP(C)/3256/2023

BICHITRA MECH
S/O LT. THANURAM MECH R/O VILL. PALENGI DHYAN PATHAR P.O.
PALENGI P.S DEMOW DIST. SIVASAGAR ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURA DEVELOPMENT DEPTT. DISPUR GUWAHATI 6

2:THE DEPUTY COMMISSIONER
SIVASAGAR
DIST. SIVASAGAR ASSAM

3:THE ZILA PARISHAD SIVASAGAR
REP. BY ITE CHIEF EXECUTIVE OFFICER SIVASAGAR ZILA PARISHAD
COALPARA ASSAM

4:THE CHIEF EXECUTIVE OFFICER SIVASAGAR
SIVASAGAR ZILA PARISHAD SIVASAGAR ASSAM

5:THE DEMOW ANCHALIK PANCHAYAT
REP.BY ITS EXECUTIVE OFFICER DEMOW ANCHALIK PANCHAYAT
SIVASAGAR DIS. SIVASAGAR ASSAM

6:THE EXECUTIVE OFFICER
DEMOW ANCHALIK PANCHAYAT SIVASAFAR DIST. SIVASAGAR ASSAM

7:THE PRESIDENT
DEMOW ANCHALIK PANCHAYAT SIVASAFAR DIST. SIVASAGAR ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 07-06-2023

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner; Mr. N.K. Deb Nath, learned Standing Counsel, Panchayat and Rural Development Department for the respondent nos. 1, 3, 4, 5 & 6; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent no. 2.

2. In view of the nature of grievances highlighted in this writ petition filed under Article 226 of the Constitution of India, the writ petition is taken up for disposal at the motion stage itself, as agreed to by the learned counsel for the parties.

3. It is projected on behalf of the petitioner that pursuant to a competitive bidding process initiated by a Tender Notice dated 05.05.2022 by the respondent Demow Anchalik Panchayat for settlement of a number of Markets/Ghats/Meen Mahals within the territorial jurisdiction of the said Anchalik Panchayat, the petitioner emerged as the successful bidder in respect of the market named Rajmai Weekly Pashu Hat ['the Market', for short]. By an order of settlement dated 02.07.2022, the petitioner had been settled with the Market at his offered bid value of Rs. 5,12,000/- for the Panchayat Financial Year : 2022 – 2023, that is, from 01.07.2022 to 30.06.2023. It is the case of the petitioner that after complying with all the requisite formalities, the petitioner was handed over the possession of the Market in due course by the respondent authorities.

It is further projected that due to a number of reasons, the petitioner has suffered losses in running the Market. It is also contended that the respondent authorities are trying to take over the Market from the petitioner before expiry of the settlement period on 30.06.2023. It is stated that highlighting the difficulties faced by the petitioner in running the Market, the petitioner had submitted a representation before the respondent no. 4 on 19.04.2023. According to the petitioner, the said representation dated 19.04.2023 was duly received by the office of the respondent no. 4. But no steps are found to have been taken by the respondent no. 4 to dispose of the representation till date. Aggrieved thereby, the petitioner has preferred this writ petition seeking inter alia a direction to the respondent authorities, more particularly, the respondent no. 4 to consider and dispose of the representation dated 19.04.2023 submitted by the petitioner by considering the grievances raised by him in the said representation.

4. Mr. Deb Nath, learned Standing Counsel, Panchayat and Rural Development Department has submitted that if the representation dated 19.04.2023 stated to have been filed by the petitioner is not disposed of till date, the writ petition can be disposed of with a direction to the respondent no. 4 to consider the said representation on its own merits and after consideration, to dispose of the same by passing an order.

5. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, this writ petition can be disposed of with a direction to the respondent no. 4 to take the representation dated 19.04.2023 submitted by the petitioner on board if the same has not yet been

considered and after due consideration of the issues raised in the said representation and the provisions contained in the Assam Panchayat Act, 1994 and the rules governing the matter of settlement, dispose of the same by passing a speaking order within a period of 10 [ten] days from the date of receipt of a certified copy of this order from the end of the petitioner. It is accordingly ordered. It is further made clear that this Court has not considered the merits of the claims made by the petitioner in the representation dated 19.04.2023 and the respondent no. 4 is to consider the issues raised in the said representation on its own merits and in accordance with law. This order disposes of the writ petition.

JUDGE

Comparing Assistant