

GAHC010124012023



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

Case No. : WP(C)/3288/2023

GOPAL PRADHANI
SON OF LATE TAJIM UDDIN,
R/O- VILLAGE- TAHNGBHITA, MAJERCHAR,
P.O.- MAJERCHAR, P.S.- FAKIRGANJ,
DISTRICT- DHUBRI, ASSAM,
PIN- 78332.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY,
TO THE GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
GOVT. OF ASSAM
JURIPAR
PANJABARI
GUWAHATI-37.

3:THE DEPUTY COMMISSIONER
DHUBRI DISTRICT
P.O. AND DISTRICT- DHUBRI

ASSAM
PIN- 783301.

4:THE DHUBRI ZILA PARISHAD
DHUBRI
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER

ZILA PARISHAD
DHUBRI

P.O. AND DISTRICT- DHUBRI

ASSAM- 783301.

5:THE CHIEF EXECUTIVE OFFICER
DHUBRI ZILA PARISHAD
DHUBRI
P.O.
P.S. AND DISTRICT- DHUBRI
ASSAM
PIN- 783301.

6:THE BIRSINGH JARUA ANCHALIK PANCHAYAT
DHUBRI
REPRESENTED BY ITS EXECUTIVE OFFICER
P.O.
P.S. AND DISTRICT- DHUBRI
ASSAM
PIN- 783301.

7:THE TAX COLLECTOR
ZILA PARISHAD
DHUBRI
P.O. AND DIST.- DHUBRI
ASSAM

PIN- 783301

Advocate for the Petitioner : MR J MOLLAH

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 09-06-2023

Heard Mr.J. Mollah, learned counsel for the petitioner. Also heard Mr. S. Sattar, learned counsel for respondent Nos.1,2 and 4 to 6 and Mr. N. Goswami learned Government Advocate for respondent No.3.

2. The learned counsel for the petitioner has submitted that the petitioner had participated in the NIT

for settlement of “parghat” namely Katalamari Pt.III, IV and Dhorbari to Dhubri Parghat and he was settled with the said Ghat by order dated 30.9.2022. It is submitted that the tender was for one year and a lease agreement to that effect was executed on 10.8.2022. It is submitted that the petitioner could operate the said Ghat only for a period 5 ½ months and therefore the petitioner has submitted a representation dated 4.5.2023 to the Commissioner, Panchayat and Rural Development Department, Assam (respondent No. 2) with a prayer to allow the petitioner to operate the said Ghat for a period of 12 months in terms of the NIT dated 23.5.2022 or compensate the petitioner for the loss suffered. Accordingly, this writ petition is filed under Article 226 of the Constitution of India, as the said representation was not disposed of.

3. The learned Standing Counsel for the P & R D department has referred to an order dated 30.9.2022 regarding the settlement of the said Ghat to the petitioner which was issued by the Chief Executive Officer, Zila parishad, Dhubri and it is pointed out that the approved bid value for the year, 2022-23 was Rs. 1,85,500/- but as the lease period was from 1.10.2022 to 30.6.2023, the recalculated bid value was determined at Rs.1,38,764/- and accordingly the petitioner was required to give proportionate lease security as well as the 1st, 2nd and 3rd instalment which is to be paid to the Zila Parishad. Accordingly, it is submitted that the petitioner has not suffered any loss as there was proportionate reduction of the bid value by the respondent authorities.

4. In view of the nature of the dispute in this writ petition, the Court is of the considered opinion that no purpose will be served if the matter is kept pending. Hence the matter stands disposed of at the motion stage without issuing notice to the respondents by directing the Commissioner, Panchayat & Rural Development Department, Assam (respondent No.2) and/ or any other competent authority to take a decision to consider the representation of the petitioner dated 4.5.2023 and dispose of the said representation of the petitioner preferably within a period of one month from the date of receipt of a certified copy of this order.

5. The petitioner shall furnish a certified copy of this order in the office of the Commissioner to the Govt. Of Assam, Panchayat and Rural Development Department,(respondent No. 2) to bring it to the notice of the said authority.

6. Writ petition stands disposed of.

JUDGE

Comparing Assistant