

GAHC010139412023



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

Case No. : WP(C)/3750/2023

RUPENDRAJIT SARMA
S/O- LATE PRANESWAR SARMA,
R/O- WARD NO-6, DHEKIAJULI,
P.O AND P.S- DHEKIAJULI, DIST- SONITPUR, ASSAM, PIN-784110

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM ,
DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE COMMISSIONER
TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
JURIPAR
GUWAHATI- 37

4:THE DEPUTY COMMISSIONER
SONITPUR
ASSAM
PIN-784001

5:THE CHIEF EXECUTIVE OFFICER
SONITPUR ZILLA PARISHAD
ASSAM

PIN-784001

6:THE PRESIDENT
DHEKIAJULI ANCHALIK PANCHAYAT
DHEKIAJULI
SONITPUR
ASSAM
PIN-784110

7:THE EXECUTIVE OFFICER
DHEKIAJULI ANCHALIK PANCHAYAT
DHEKIAJULI
SONITPUR
ASSAM
PIN-784110

8:THE BLOCK DEVELOPMENT OFFICER
CUM EX OFFICIO SECRETARY
DHEKIAJULI
SONITPUR
ASSAM
PIN-78411

Advocate for the Petitioner : MR D J SARMA

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

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

ORDER

Date : 26.06.2023

Heard Mrs. J. Paul, learned counsel for the petitioner, Mr. K. Gogoi, learned Addl. Senior Govt. advocate appearing for respondent nos. 1 and 4, Mr. S. Dutta, learned standing counsel for the P&RD Department, appearing for respondent nos. 2, 3, 5, 7 and 8.

2. By filing this writ petition under Article 226 of the Constitution of

India, the petitioner has assailed the NIT dated 15.05.2023 for settlement of Gorubandha weekly market for the period from 01.07.2023 to 30.06.2024.

3. The case projected by the petitioner is that in the previous tendering process which was called vide NIT dated 19.11.2022, the petitioner was the third highest bidder in the said tendering process. It is alleged that the notice of settlement of the said NIT dated 19.11.2022 was never published or hanged in the notice board of the Dhekiajuli Anchalik Panchayat.

4. It is projected that as the said market was not settled to the first two highest bidders, the petitioner had submitted a representation dated 07.06.2023 for being settled with the said weekly market. In the said representation, it has been projected that the first and second highest bidders had relinquished their right over the tendered market.

5. Accordingly, the learned counsel for the petitioner has submitted that as the previous tender process was not cancelled and was not set aside, the petitioner who was the third highest bidder had a right to be offered the market for the concerned period. Accordingly, it is submitted that fresh tendering process is not sustainable and she has prayed for setting aside the said tendering process.

6. Having heard the learned counsel for the petitioner as well as learned Addl. Senior Govt. advocate and the learned departmental counsel in the matter, the Court finds that even if the statement made by the learned counsel for the petitioner is accepted, the previous NIT was for a period from 01.07.2022 to 30.06.2023. The said period is expiring shortly. Therefore, even if the prayer made in the representation of the petitioner is allowed today, the petitioner

would have the benefit of operating the market for only three working days, which would not benefit the petitioner in any manner. Therefore, as the normal tenure of the said market would otherwise expire on 30.06.2023, the Court find no reasons to entertain this writ petition and to stay the tendering process for the said market for the period from 01.07.2023 to 30.06.2024, which is not found to be in public interest. Moreover, as the petitioner is the third highest bidder, no fundamental right of the petitioner has been infringed by not settling the said market with the petitioner for remaining tenure.

7. Accordingly, this Court is disinclined to entertain this writ petition. Hence, this writ petition stands dismissed at the motion stage without issuance of notice on the respondents.

JUDGE

Comparing Assistant