

GAHC010211142023



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

Case No. : WP(C)/5575/2023

ABDUL BAREK
S/O- LATE JALAL SARKAR,
R/O- VILL- NOICHARDHAP,
P.O- BAGRIBARI,
P.S- GOURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-781006

2:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM
PIN-783301

3:THE EXECUTIVE OFFICER
DHUBRI ZILLA PARISHAD
DIST.- DHUBRI
ASSAM
PIN-783301

4:THE CHAIRMAN
DHUBRI ZILLA PARISHAD
DIST.- DHUBRI
ASSAM
PIN-783301

5:THE B.D.O CUM EXECUTIVE OFFICER

NAYERALGA ANCHALIK PANCHAYAT
DHUBRI
DIST.- DHUBRI
ASSAM
PIN-783348

6:THE CHAIRMAN
NAYERALGA ANCHALIK PANCHAYAT
DHUBRI
DIST.- DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M I HUSSAIN

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

22.09.2023

Heard Mr. M.I. Hussain, learned counsel for the petitioner. Also heard Mr. S.R. Boruah, learned counsel for the respondent no.2 and Mr. P. Handique, learned Standing Counsel, P&RD for the respondent nos. 1, 3 & 5.

The petitioner who participated in the tender process for Bagribari Patakata Parghat for operating the Boat Service as indicated in the Tender. The tender amount was Rs.14,520/- and the petitioner submits that he had submitted his tender papers along with all documents and as per the NIT, the tender box was supposed to be opened at 02:00 P.M. in the presence of the bidder on 18.07.2023. However, when the petitioner went the concerned office on 18.07.2023 as per the scheduled time in the office of Nayeralga Anchlik Panchayat office, he found that the tender papers were already opened prior to the time fixed and amongst the tenders submitted he found his tender paper

missing. Having no alternative, he filed a complaint/representation dated 07.08.2023 before the Executive Officer, Dhubri Zilla Parishad and a copy of the same was also filed before the Commissioner of the Panchayat and Rural Development Department, Government of Assam on 08.08.2023.

It is the grievance of the petitioner that the complaint/representation filed by the petitioner has not been addressed to. Meanwhile, the other tender papers, which are available, have been processed and presently, a comparative statement has been prepared but because of the complaint filed by the petitioner, the matter is pending before the Dhubri Zilla Parishad. The petitioner apprehends that the order for settlement will be issued very shortly.

The petitioner's grievance is that the tender paper which he had submitted before the authorities was not found at the time of opening of the tender box. Being aggrieved, he has approached this Court praying for appropriate orders.

Mr. P. Handique, learned counsel appears for the respondent nos. 1, 3 & 5 and Mr. S.R. Boruah, learned counsel appears for the respondent no.2.

At this stage, notice to the respondent nos. 4 & 6, namely, the Chairman, Dhubri Zilla Parishad and the Chairman Nayeralga Anchalik Panchayat need not be issued as the Court is of the view that the writ petition can be disposed of with a direction to the Commissioner and Secretary to the Government of Assam, Panchayat & Rural Development Department to look into the grievances of the petitioner in terms of his complaints/representations filed by the petitioner, which are enclosed to Annexure-3 & 4 of the writ petition.

The respondent no.1 will thereupon cause an inquiry and if these allegations are found to be correct, then consequential corrective orders be issued by the competent authority.

The Commissioner and Secretary to the Government of Assam, Panchayat & Rural Development Department will pass effective orders within a period of 30 (thirty) days from the date of receipt of a certified copy of this order. Till the matter is disposed of by the Commissioner and Secretary to the Government of Assam, Panchayat & Rural Development Department as directed above, let the Department directly run the Bagribari Patakata Parghat.

In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant