

GAHC010252662019



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

Case No. : WP(C)/7787/2019

MD. HABIBUR RAHMAN AND ANR.
S/O. LT. SAKKAI MIA ALI, R/O. VILL. LANKAJAN-DARJISIT, P.O.
NONDAPUR, P.S. HOJAI, DIST. HOJAI, ASSAM, PIN-789345.

2: JAMIR UDDIN
S/O. LT. HAZI SIDDIQUE ALI
GROUP MEMBER OF GR.-6 (LANKAJAN DARJISIT) DHALPUKHURI GAON
PANCHAYAT
R/O. VILL. LANKAJAN-DARJISIT
P.O. NONDAPUR
P.S. HOJAI
DIST. HOJAI
ASSAM
PIN-789345

VERSUS

THE STATE OF ASSAM AND 21 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, AGRICULTURE
DEPTT., DISPUR, GUWAHATI-781006.

2: THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPTT. (ROADS)
DISPUR
GUWAHATI-06.

3: THE CHIEF ENGINEER (EAP)

PWRD
ASSAM
ARR AND TI CAMPUS
FATASIL AMBARI
GUWAHATI-781025.

4:THE ASSAM RURAL INFRASTRUCTURE AND AGRICULTURAL SERVICES
SOCIETY (ARIAS SOCIETY)

REP. BY ITS STATE PROJECT DIRECTOR
PROJECT COORDINATION UNIT
AGRICULTURE COMPLEX
KHANAPARA
GUWAHATI-781022.

5:THE PROJECT DIRECTOR

ASSAM AGRIBUSINESS AND RURAL TRANSFORMATION PROJECT
(APART)
AGRICULTURE COMPLEX
KHANAPARA
GUWAHATI-781022.

6:THE DY. COMMISSIONER

HOJAI
ASSAM
PIN-782435.

7:THE DISTRICT AGRICULTURE OFFICER

NAGAON
ASSAM
PIN-782001.

8:THE DISTRICT SOCIAL SECTOR COORDINATOR (DSSC)

APART
NAGAON
ASSAM
PIN-782001.

9:THE DISTRICT FISHERY OFFICER

NAGAON
ASSAM
PIN-782001.

10:THE EXECUTIVE ENGINEER

PWD ROADS DIVISION
SONITPUR
AACP DIVISION

TEZPUR
ASSAM
PIN-784001.

11:THE DISTRICT VETERINARY OFFICER

NAGAON
ASSAM
PIN-782001.

12:THE DIST. SERICULTURE OFFICER

NAGAON
ASSAM
PIN-782001.

13:THE DISTRICT DIARY OFFICER

NAGAON
ASSAM
PIN-782001.

14:THE ASSTT. EXECUTIVE ENGINEER

PWRD
MORIGAON
AAP SUB-DIVISION
MORIGAON
ASSAM
PIN-782105.

15:ABDUR RAUF
S/O ROFIQUE UDDIN
R/O DAKHIN LASKAR PATHAR
DIST- HOJAI
ASSAM
PIN-782446.

16:ABDUL MATIN
S/O LATE ABDUL BARI
R/O DAKHIN LASKAR PATHAR
LANKA
DIST- HOJAI
ASSAM
PIN-782446.

17:KAPIL UDDIN LASKAR
C/O LATE MASADDAR ALI

R/O VILL DAKHIN LASKAR PATHAR
P.O- LANKA
DIST- HOJAI
ASSAM
PIN-782446.

18:MD. ABDUL HAMID
S/O LATE ABDUL JALIL
R/O VILL DAKHIN LASKAR PATHAR
P.O- LANKA
DIST- HOJAI
ASSAM
PIN-782446.

19:SAMSUL HOQUE
S/O LATE KUTUB ALI LASKAR
R/O DAKHIN LASKAR PATHAR
LANKA
DIST- HOJAI
ASSAM
PIN-782446.

20:JAMIL AHMED
S/O ABDUL MATIN
R/O VILL DAKHIN LASKAR PATHAR
P.O- LANKA
DIST- HOJAI
ASSAM
PIN-782446.

21:MONJURUL
S/O MONUHAR ALI
R/O VILL-DAKHIN LASKAR PATHAR
P.O- LANKA
DIST- HOJAI
ASSAM
PIN-782446.

22:ISLAM UDDIN BARBHUYAN
S/O MOHAMMAD MAHMAD ALI BARBHUYAN
R/O DAKHIN LASKAR PATHAR
LANKA
DIST- HOJAI
ASSAM
PIN-782446

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

17.03.2023

Heard Mr. S.Y. Ahmed, learned counsel for the petitioners; Mr. B. Choudhury, learned Standing Counsel, Agriculture Department for the respondent nos. 1, 4, 5, 7 & 11; Mr. B. Gogoi, learned Standing Counsel, PWD [Roads] for the respondent nos. 2, 3, 10 & 14; Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 6, 8, 9, 12 & 13; and Mr. G. Uddin, learned counsel for the respondent nos. 15 – 22.

2. In the writ petition, the petitioners have projected that by an E-Procurement Notice dated 03.11.2018, the respondent PWD called for tenders for a construction work viz. "Construction of Darjisit to Jamuasit via South Laskar Pathar in Nagaon [Hojai] District". It is the case of the petitioners that a decision was taken to construct a road from Darjisit to Jamunasit. But the respondent authorities had started construction of the road from a mid-way point at South Laskar Pathar to Jamunasit which is in between Darjisit to Jamunasit and the construction of the portion of the road from Darjisit to South Laskar Pathar has not yet been started.

3. In response, Mr. Gogoi, learned Standing Counsel, PWD has referred to the statements made in the additional affidavit of the respondent no. 3 filed on 19.12.2022, more particularly, paragraph nos. 8 & 9 thereof, to submit that the State Project Director, ARIAS Society has, in the meantime, approved the proposal to cover the Darjisit point which is 1500 metres away from zero point of the awarded contract i.e. at the sluice gate and the Executive Engineer has already been asked to prepare the Detail Project Report [DPR] for the length of 1500 metres. It is his submission that the respondent PWD has undertaken to execute the remaining work within a reasonable period of time.

4. Mr. Ahmed, learned counsel for the petitioners has submitted that if a decision has been taken by the respondent PWD authorities to construct the remaining portion of the road as per the E-Procurement Notice, the petitioners would not have any objection.

5. Having regard to the submissions of the learned counsel for the parties, more particularly, the submission of Mr. Gogoi, learned Standing Counsel, PWD that the remaining portion of the construction work would be completed in conformity with the E-Procurement Notice dated 03.11.2018, this writ petition is closed with the observation that the respondent authorities in the PWD shall ensure completion of the work within a reasonable period of time as per the undertaking made before this Court. If the petitioners have any grievance thereafter, they are at liberty to take resort to appropriate remedy.

6. This order disposes of the writ petition.

JUDGE

Comparing Assistant