

GAHC010257352023



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

Case No. : I.A.(Civil)/3357/2023

RANSAIGWRA BORO
S/O- SRI BHOJEN CHANDRA BORO R/O , VILL- LADABARI, P.O.- DALAKATI
BORO BAZAR, P.S. ROWTA, DIST.- UDALGURI, ASSAM.

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 5 ORS
REPRESENTED BY ITS PRINCIPAL SECRETARY, KOKRAJHAR, ASSAM.

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

3:THE ADDITIONAL CHIEF CONSERVATOR OF FOREST CUM CHD
FOREST DEPARTMENT
BTC
KOKARJHAR
ASSAM.

4:THE DIVISIONAL FOREST OFFICER
DHANSIRI FOREST DIVISION
UDALGURI.

5:THE DISTRICT COMMISSIONER
UDALGURI
ASSAM.

6:MITHISAR SWARGIARY
S/O- KHANSAI SWARGIARY
VILL- ROWTA PATHER
P.O.- BALUKMARI

DIST.- UDALGURI
ASSAM

Advocate for the Petitioner : MR. B CHAKRABORTY

Advocate for the Respondent : SC, BTC

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 17-11-2023

Heard Mr. B. Chakraborty, learned counsel for the applicant as well as Mr. J. Laskar, learned counsel for the writ petitioner/ opposite party no.6 and Ms. P. Das, learned standing counsel for the BTC appearing for the opposite party nos.1 to 4 and Mr. K. Gogoi, learned Addl. Senior Govt. Advocate appearing for the opposite party no.5. The opposite party no.6 is the writ petitioner in the connected writ petition.

2. By filing the connected writ petition, the opposite party no.6 has assailed a tender process dated 05.08.2023 inter-alia, on the ground that the tender was issued without wide publication and that it was published in the notice board only on 28.08.2023 which was the last date for submission of tender papers. The said writ petition was filed on 08.09.2023 and this Court by order dated 30.09.2023, while issuing notice of motion had passed interim order to the effect that the respondent authority shall not issue any work order in respect of the settlement process undertaken for settlement of Dhansiri Sand Gravel Mahal vide tender notice dated 05.08.2023.

3. In connection with this interlocutory application the learned

counsel for the opposite party no.6 i.e. the writ petitioner has prayed for sometime to file objection. Considered the said prayer.

4. The learned counsel for the applicant has referred to Annexure-A to the IA which is a communication dated 11.09.2023 by the Secretary, BTC to the opposite party no.3 i.e. Addl. PCCF-cum-CHD Forest, BTC by which approval was granted to the comparative statement in respect of the Mahal in question for granting mining contract to the successful bidder and it is projected that the applicant was the highest rate bidder of the said Mahal for which reference is made to document at page-9 of this application.

5. In view of the subsequent communication dated 11.09.2023 which is annexed as Annexure-A to this writ petition, the Court is of the considered opinion that as the applicant has demonstrated that he is the highest rate bidder in respect of the said Mahal granting of adjournment merely for the purpose of bringing an objection on record would not serve any purpose. As the Court finds that because of the subsequent development, whereby the applicant is the highest bidder, the applicant is a necessary party to the connected writ petition and notwithstanding whatever objection may come on record, but the applicant will have a right to express his contention when the connected writ petition is decided.

6. Accordingly, the prayer for adjournment made by the learned counsel for the opposite party no.6 is rejected and prayer made in this application for impleadment is allowed without issuance of notice on the opposite parties in respect of this IA, permitting impleadment of the applicant as

respondent no.6 in the connected writ petition.

JUDGE

Comparing Assistant