

GAHC010002552024



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

Case No. : WP(C)/54/2024

M/S RANA CONSTRUCTION AND ENGINEERS PVT LTD
SURAJ COMPLEX, ULUBARI CHARIALI, KAMRUP (METRO), GUWAHATI-
781007, ASSAM, REPRESENTED BY ONE OF ITS DIRECTOR, RANA SAIDUR
ZAMAN, AGED ABOUT 51 YEARS, SON OF ALHAZ RAHMAN ALI,
RESIDENT OF HOUSE NO. 62, RAHMAN MANSION, SOUTH SARANIA, P.O.-
ULUBARI, DIST.- KAMRUP(M), ASSAM, GUWAHATI-7

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS ROADS DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (BORDER ROADS)
CHANDMARI
GUWAHATI
ASSAM
PIN- 781003

3:THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF RURAL DEVELOPMENT
RURAL CONNECTIVITY (RC) DIVISION
KRISHI BHAVAN
NEW DELHI-110001

4:NATIONAL RURAL INFRASTRUCTURE DEVELOPMENT AGENCY
REPRESENTED BY ITS DIRECTOR GENERAL
KRISHI BHAWAN
NEW DELHI-11000

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : SC, PWD ROAD

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

08.01.2024

Heard Shri RS Zaman, petitioner in person. Also heard Shri B. Gogoi, learned Standing Counsel, PWD.

Shri Zaman has contended that though his earlier writ petitions were dismissed by this Court and such dismissal was upheld by Hon'ble Division Bench, he is trying to raise an issue of public interest by means of this writ petition. He has specifically contended that while the rates quoted by the petitioner was 17.86% below the prescribed rate, the tender has been granted to certain chosen persons whose rates is 9.97% above and therefore there is loss to the public exchequer.

On the pointed query of this Court that the issue sought to be raised may be matters of dispute in a public interest litigation, Shri Zaman has submitted that the present writ petition has been filed pursuant to certain observations made by the Hon'ble Division Bench in the initial endeavour of the petitioner by filing a PIL being PIL No. 16/2023.

Shri Gogoi, learned Standing Counsel, PWD, however, by referring to the order which have been annexed to the writ petition has submitted that no such liberty has been granted. On the other hand, he submits that the PIL was dismissed on withdrawal when the Hon'ble Division Bench wanted to impose cost upon the petitioner.

Be that as it may, without any specific observation by the Hon'ble Division Bench, this Court will not be inclined to admit matters of this nature though according to the petitioner, it is connected with public interest. Accordingly, the writ petition is dismissed.

The petitioner however may approach the Hon'ble Division Bench for necessary observations and renew his prayer.

JUDGE

Comparing Assistant