

GAHC010011612024



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

Case No. : WP(C)/455/2024

NASIR ALI
S/O LATE SADEK ALI, R/O VILL-HIRAPARA,
P.O.-DHULA, P.S.-DHULA, DIST-DARRANG (ASSAM), PIN-784146

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DARRANG ZILLA PARISHAD
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER
P.O. AND P.S.-MANGALDOI
DIST- DARRANG (ASSAM)

3:THE GENERAL STANDING COMMITTEE
REPRESENTED BY THE CHAIRMAN OF DARRANG ZILLA PARISHAD
P.O. AND P.S.-MANGALDOI
DIST-DARRANG ASSAM

4:THE EXECUTIVE OFFICER -CUM- EX-OFFICIO SECRETARY
PUB MANGALDOI ANCHALIK PANCHAYAT
P.O. AND P.S.-MANGALDOI
DIST-DARRANG (ASSAM)

5:THE PRESIDENT
PUB MANGALDOI ANCHALIK PANCHAYAT
P.O. AND P.S.-MANGALDOI DIST- DARRANG (ASSAM)

Advocate for the Petitioner : F K R AHMED

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 08.02.2024

Heard Mr. F.K.R. Ahmed, learned counsel for the petitioner, who submits that in terms of the tender notice dated 10.04.2023 for settlement of the Tangi Weekly Open Market for the period from 01.07.2023 to 30.06.2024, the petitioner and 13 other tenderers took part in the selection process. The reserved price for the market was fixed by the respondents at Rs.5,90,422/-.

The petitioner's counsel submits that the petitioner, who is at Serial No.9 in the comparative statement, had given his bid amount of Rs.8,07,000/-. However, he was not given settlement of the market, despite the other bidders who had given higher bids withdrawing from the selection process. He submits that the respondents have been running the market, vide the impugned order dated 01.12.2023, in violation of Section 105 of the Assam Panchayat Act, 1994 and Rule 47(10) of the Assam Panchayat (Financial) Rules, 2002, i.e., no tenderer has been selected till date.

Mr. P. Handique, learned counsel appearing for the respondent Nos. 1 to 4, submits that the highest bidder Mr. Musraf Hussain, has been awarded the tender, vide meeting minutes dated 01.02.2024 made by the Zilla Parishad and the settlement order has been issued accordingly. He submits that the highest bidder had initially withdrawn his bid on the ground that he was unwell. The Zilla Parishad thereafter ran the market all along. However, on a request made by the highest bidder that he had recovered from his illness and wanted to run the market, the same was accepted by the Zilla Parishad.

In view of the submission made by Mr. P. Handique, this writ petition is closed as infructuous.

JUDGE

Comparing Assistant