

GAHC010032612024



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

Case No. : WA/56/2024

DINESWAR NATH
S/O- GANGADHAR NATH, R/O- VILL.- SAHARIGAON, P.O. LENGORIBORI,
P.S. BHURAGAON, PIN- 782121, DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE MORIGAON ZILLA PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
MORIGAON
ASSAM
PIN- 782105.

3:THE GENERAL STANDING COMMITTEE OF MORIGAON ZILLA
PARISHAD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
MORIGAON
ASSAM

4:THE LAHARIGHAT ANCHALIK PANCHAYAT
REPRESENTED BY ITS PRESIDENT
LAHARIGHAT
MORIGAON
ASSAM
PIN- 782105.

5:THE PRESIDENT OF LAHARIGHAT ANCHALIK PANCHAYAT
LAHARIGHAT
MORIGAON
ASSAM

PIN- 782105.

6:THE EXECUTIVE OFFICER
AND EX-OFFICIO SECRETARY OF LAHARIGHAT ANCHALIK PANCHAYAT
LAHARIGHAT
MORIGAON
ASSAM
PIN- 782105.

7:RAJEN BASUMATARY
S/O- LATE AMIN BASUMATARY
R/O- VILL.- ROUMARI
P.O. TAPTOLA
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121.

8:NARAYAN BISWAS
S/O- LATE RAMDAS BISWAS
R/O- VILL.- JETPARI
P.O. DONGAR PAR
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 782121

9:ISMAIL HUSSAIN
S/O- LATE ABBAS ALI
R/O- VILL.- RUPAHIBEEL
P.O. BORALIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN- 78212

Advocate for the Petitioner : F K R AHMED

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

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

19.02.2024**(Vijay Bishnoi, CJ)**

By this intra-Court appeal, challenge is made to the order dated 29.01.2024 passed by the learned Single Judge in WP(C) No.5935/2023 whereby the learned Single Judge has allowed the writ petition filed on behalf of the respondent Nos.7, 8 and 9 and has cancelled the settlement arrived at between the appellant and the respondent No.2 and has issued a direction to the respondents to initiate a fresh tender process for settlement of the market concerned within a period of one month from the date of passing of the order.

The learned counsel for the appellant has submitted that as a matter of fact, the tender process initiated vide notice dated 23.06.2023 has already been cancelled by the General Standing Committee (respondent No.3) and therefore, there is no illegality in the action of the respondent No.2 of accepting the bid offered by the petitioner in response to the tender notice dated 02.05.2023.

It is noticed that no such argument was advanced before the learned Single Judge by either of the respondents therein including the appellant. The learned Single Judge has recorded a categorical finding that the settlement was arrived at on the basis of a cancelled tender notice and the tender notice dated 23.06.2023 has never been cancelled.

In view of the above, we do not find any merit in this appeal and the same is therefore, dismissed.

JUDGE**CHIEF JUSTICE****Comparing Assistant**