

GAHC010063412024



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

Case No. : WP(C)/1775/2024

IMAN ALI
S/O- LATE JAMURUDDIN,
R/O- NON-K-GARAPARI,
P.O.- DHULA, DIST.- DARRANG,
ASSAM, PIN- 784146.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
TRANSPORT DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
TRANSPORT DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE DIRECTOR
INLAND WATER TRANSPORT
ULUBARI
GUWAHATI-07.

5:THE DEPUTY COMMISSIONER
DARRANG
MANGALDAI
ASSAM.

6:THE CIRCLE OFFICER
DALGAON REVENUE CIRCLE
DARRANG
ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

01.04.2024

Heard Mr. B.J. Mukherjee, learned counsel appearing on behalf of Mr. M. Biswas, learned counsel for the petitioner, who submits that the petitioner participated in the NIT dated 28.06.2022 for settlement of the ferry service pertaining to Bhuragaon-Badlichar, via Pavakati, Malahu, Kalichar, Chitalmari and Karaikhowa for a period of 2 financial years, i.e., from 2022-2024. Though the petitioner was the successful bidder, the settlement of the ferry service could not be made with the petitioner immediately, on account of one unsuccessful bidder having challenged the settlement process vide WP(C) No. 1167/2023. WP(C) No. 1167/2023 was dismissed on 19.06.2023 and the petitioner was thereafter allowed to run the ferry service, vide lease deed dated 16.06.2023, for a period of 9 & ½ months, as against 2 years of the proposed settlement.

2. The petitioner's counsel submits that as the petitioner should have been allowed to run the ferry service for 2 years, the petitioner had submitted a representation dated 04.03.2024, addressed to the Commissioner and Secretary to the Government of Assam, Transport Department, with a prayer that the

petitioner should be allowed to run the ferry service till 16.06.2025. He submits that no decision has been taken by the respondents with regard to the petitioner's representation.

3. Ms. M.D. Borah, learned Standing Counsel, Transport, on the other hand, submits that a fresh tender notice No. 67 dated 08.02.2024 had been issued for the said ferry service, for a period of 2 years from 01.04.2024 to 31.03.2026. She submits that the same has not been put to challenge by the writ petitioner. She also submits that the settlement of the ferry service had been made with the petitioner for the remaining period 2022-2024 w.e.f the date of taking over by the petitioner up to 31.03.2024 as per letter dated 09.02.2023, issued by the Deputy Secretary to the Government of Assam, Transport Department.

4. At this stage, Mr. B.J. Mukherjee, learned counsel for the petitioner submits that he may be allowed to withdraw the writ petition with liberty to file afresh.

5. The prayer of the petitioner is allowed.

6. The writ petition is dismissed as withdrawn, with liberty as prayed for.

JUDGE

Comparing Assistant